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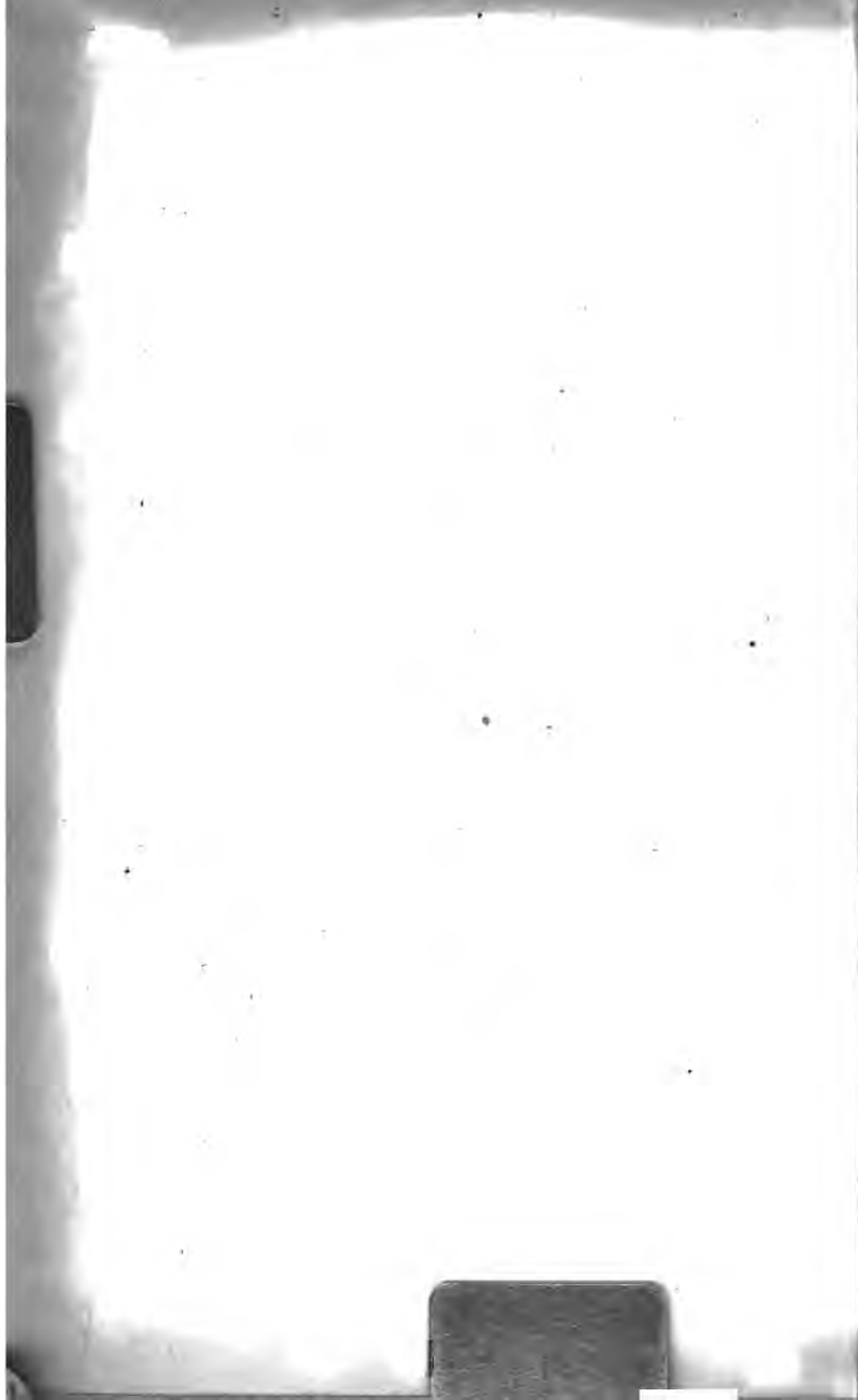
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Nevada Collections



STATUTES
OF THE
STATE OF NEVADA

PASSED AT THE
Fifth Session of the Legislature,
1871,

BEGUN ON MONDAY, THE SECOND DAY OF JANUARY, AND ENDED
ON THURSDAY, THE SECOND DAY OF MARCH.



CARSON CITY:
CHARLES L. PERKINS, STATE PRINTER.
1871.

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GENERAL ARRANGEMENT OF VOLUME.

	PAGES.
1.—NUMBER OF CHAPTERS AND TITLE OF LAWS.....	v-ix
2.—NUMBER AND TITLES OF RESOLUTIONS AND MEMORIALS	x-xii
3.—CONSTITUTION OF THE STATE OF NEVADA.....	5-38
4.—STATE OFFICERS	41-42
5.—SENATE OFFICERS.....	42
6.—MEMBERS OF THE SENATE	43
7.—ASSEMBLY OFFICERS.....	43
8.—MEMBERS OF THE ASSEMBLY.....	44
9.—LAWS OF THE FIFTH SESSION.....	47-164
10.—ASSEMBLY RESOLUTIONS	167-173
11.—SENATE RESOLUTIONS AND MEMORIALS	174-188
12.—REPORTS OF STATE TREASURER, 1869 AND 1870.....	189-207
13.—GENERAL INDEX.....	209-231



CONTENTS.

STATUTES OF THE STATE OF NEVADA.

FIFTH SESSION, 1871.

Chap.	TITLE OF ACT.	Page.
1	An Act to amend an Act entitled "An Act to create a Board of County Commissioners in the several counties of this State, and define their duties and powers," approved March 8, 1865—approved January 11, 1871	47
2	An Act to provide for the payment of the outstanding indebtedness of Treasure City, in the County of White Pine—approved January 23, 1871.....	48
3	An Act authorizing the Secretary of State to furnish the printed public documents, statutes and reports to certain parties therein named—approved February 2, 1871.....	50
4	An Act to amend an Act entitled "An Act to consolidate and pay certain indebtedness of the County of Ormsby," approved March 12, 1866—approved February 4, 1871.....	51
5	An Act to amend an Act entitled "An Act for the incorporation of Railroad Companies, and the management of the affairs thereof, and other matters relating thereto," approved March 22, 1865—approved February 9, 1871.	52
6	An Act for the relief of C. Lark, Treasurer of Humboldt County—approved February 13, 1871.....	54
7	An Act concerning conveyances executed without the State—approved February 13, 1871.....	54
8	An Act to create Legislative Funds, passed February 13, 1871.....	55
9	An Act to amend an Act entitled "An Act concerning compensation of Jurors," approved March 5, 1869—approved February 15, 1871.....	56
10	An Act supplementary to and amendatory of an Act entitled "An Act to amend an Act of the Legislative Assembly of the Territory of Nevada, entitled 'An Act to create Counties, and establish the boundaries thereof,' approved February 25, 1861, approved February 27, 1869,"—approved February 15, 1871.....	57
11	An Act for the relief of James Leffingwell, Sheriff of Lander County, in the years 1865 and 1866—approved February 16, 1871.....	57
12	An Act to legalize certain acts of the Board of County Commissioners of Elko County—approved February 16, 1871.....	58

Chap.	TITLE OF ACT,	Page.
13	An Act to change the County Seat of the County of Washoe—approved February 17, 1871.....	59
14	An Act to amend an Act entitled "An Act to provide for the registration of the names of electors and to prevent fraud at elections," approved March 5, 1869—approved February 17, 1871.....	59
15	An Act to provide for the payment of certain indebtedness of Humboldt County—approved February 17, 1871.....	60
16	An Act requiring State officers to prepare and transmit to the Legislature duplicates of all reports intended for publication—approved February 17, 1871.....	61
17	An Act supplementary to an Act entitled "An Act to provide for the selection and sale of the lands granted by the United States to the State of Nevada," approved April 2, 1867, and providing for the payment of the claim of Britton and Gray—approved February 20, 1871.....	61
18	An Act to promote the introduction and use of steam power for transportation purposes on common roads in the State—approved February 21, 1871.....	62
19	An Act to provide for the removal of the County Seat of Lincoln County by the qualified electors of said County—approved February 21, 1871.....	64
20	An Act to pay A. C. Ellis for legal services rendered and to be rendered in the cause of the State of Nevada against Henry A. Rhoades, administrator of the estate of Eben Rhoades, late State Treasurer, and the bondsmen of said Eben Rhoades—approved February 21, 1871.....	65
21	An Act to amend an Act entitled "An Act for the incorporation of Railroad Companies, and the management of the affairs thereof, and other matters relating thereto," approved March 22, 1865—approved February 21, 1871.....	65
22	An Act to provide for the safe keeping of the securities of the State School Fund—approved February 21, 1871.....	66
23	An Act to encourage the construction of a Railroad in the eastern portion of the State of Nevada—approved February 21, 1871.....	67
24	An Act relating to accounts against the State—approved February 23, 1871..	70
25	An Act to consolidate and fund the indebtedness of Elko County—approved February 23, 1871.....	70
26	An Act to temporarily fix the County Seat of Lincoln County—approved February 24, 1871.....	75
27	An Act to provide for the payment of the indebtedness of White Pine County—approved February 27, 1871.....	75
28	An Act to grant the right of way to Hill Beachy, O. R. Johnson, B. A. Townsend, and their associates, to build and maintain a narrow gauge Railroad from Reno, Washoe County, to Virginia City, Storey County—approved February 27, 1871.....	78
29	An Act in relation to the payment of School moneys by County Treasurers—approved February 27, 1871.....	78
30	An Act to provide for the transfer of certain moneys from the Indigent Sick and Contingent Funds of Churchill County to the General Fund of said County—approved February 27, 1871.....	97

Chap.	TITLE OF ACT.	Page.
31	An Act fixing the time of holding the terms of the District Court of the Fourth Judicial District—approved February 27, 1871.....	80
32	An Act relative to the salary of the Judge of the Fourth Judicial District—approved February 27, 1871.....	80
33	An Act authorizing a State Loan, and levying a tax to provide means for the payment thereof—approved February 27, 1871.....	80
34	An Act to authorize a State Loan, for the purpose of paying the State proportion of the bonds issued under the Act, approved February sixth, one thousand eight hundred and sixty-seven; and to fund the Floating Debt, and place the State upon a permanent cash basis—approved February 27, 1871.....	84
35	An Act providing for the taxation of the net proceeds of Mines—approved February 28, 1871.....	87
36	An Act requiring compensation for causing death by wrongful acts, neglect or default—approved February 28, 1871.....	90
37	An Act to amend an Act entitled "An Act for the purpose of placing the finances of Lyon County upon a permanent cash basis, and to provide for the payment of the outstanding indebtedness of the said County," approved February fourth, one thousand eight hundred and sixty-nine—approved February 28, 1871.....	91
38	An Act for the relief of Peter Goodfellow, County Treasurer of Lincoln County—approved February 28, 1871.....	92
39	An Act to define and establish the boundary lines of Elko County, Nevada—approved March 1, 1871.....	92
40	An Act to amend an Act entitled "An Act to provide revenue for the support of the Government of the State of Nevada,"—approved March ninth, one thousand eight hundred and sixty-five—approved March 1, 1871.....	93
41	An Act supplementary to, and to repeal an Act of the Legislature of the State of Nevada, entitled "An Act to incorporate the town of Hamilton," approved March sixth, one thousand eight hundred and sixty-nine—approved March 1, 1871.....	95
42	An Act to provide for fostering and supporting the Nevada Orphan Asylum, a duly incorporated benevolent institution, located at Virginia City, Storey County, State of Nevada—approved March 1, 1871.....	103
43	An Act to amend an Act entitled "An Act to regulate proceedings in civil cases in Courts of Justice of this State, and to repeal all other Acts in relation thereto," approved March eighth, one thousand eight hundred and sixty-nine—approved March 2, 1871.....	103
44	An Act supplementary to and amendatory of an Act entitled "An Act to provide for the payment of the outstanding indebtedness of Virginia, Storey County," approved January twenty-seventh, one thousand eight hundred and sixty-five—approved March 2, 1871.....	104
45	An Act to provide for the preservation of the manuscript laws—approved March 2, 1871.....	106
46	An Act to repeal an Act entitled "An Act to prohibit carrying of concealed weapons," approved February 27, 1867—approved March 2, 1871.....	107
47	An Act to amend an Act entitled "An Act to restrict gaming,"—approved March 2, 1871.....	107
48	An Act to amend an Act entitled "An Act concerning County Recorders, and defining their duties," approved March 9, 1865—approved March 2, 1871.....	107

Chap.	TITLE OF ACT.	Page.
49	An Act for the relief of John W. Averill, approved March 2, 1871.....	108
50	An Act to amend an Act entitled "An Act to amend an Act to provide for organizing and disciplining the Militia of this State, approved March fourth, one thousand eight hundred and sixty-five," approved March twelfth, one thousand eight hundred and sixty-seven—approved March 2, 1871.....	108
51	An Act to appropriate funds for the preparation and publication of the sixth and seventh volumes of the Nevada Reports—approved March 2, 1871..	109
52	An Act to prevent the destruction of fish in the waters of the State of Nevada—approved March 2, 1871.....	109
53	An Act to aid the Nevada Benevolent Association in providing means to erect an Insane Asylum—approved March 3, 1871.....	110
54	An Act to provide for properly taking care of the Indigent Insane of the State of Nevada—approved March 3, 1871.....	111
55	An Act to repeal an Act supplementary to an Act entitled "An Act to provide revenue for the support of the Government of the State of Nevada, approved March 9, 1865, and other Acts amendatory and supplemental thereof," approved March 12, 1867—approved March 3, 1871.....	113.
56	An Act to provide for the protection of timbered lands—approved March 3, 1871.....	113
57	An Act to incorporate the town of Gold Hill—approved March 3, 1871.....	114
58	An Act to secure liens to mechanics and others, and to repeal all other Acts in relation thereto—approved March 4, 1871.....	123
59	An Act to admit to probate a certain paper purporting to be the last will and testament of Henry Sticknoth—approved March 4, 1871.....	129
60	An Act to authorize the payment of certain claims against Storey County—approved March 4, 1871.....	129
61	An Act to provide for the appointment of a commissioner to prosecute to final settlement all claims of the State of Nevada against the Government of the United States, and to provide for his compensation therefor—approved March 4, 1871.....	130
62	An Act to amend an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to create the County of Lincoln, and provide for its organization,' approved February twenty-sixth, eighteen hundred and sixty-six," approved March eighteenth, eighteen hundred and sixty-seven—approved March 4, 1871.....	131
63	An Act providing for the better enforcement of the Revenue Laws of this State—approved March 4, 1871.....	131
64	An Act to repeal section thirteen of the Act entitled "An Act to provide for the registration of the names of electors, and to prevent fraud at elections," approved March fifth, eighteen hundred and sixty-nine—approved March 4, 1871.....	132
65	An Act to amend an Act entitled "An Act to authorize the County Commissioners of the several counties of this State to build or purchase buildings suitable for county purposes," approved March 10, 1865—approved March 4, 1871.....	132
66	An Act to authorize and empower the County Commissioners of White Pine	

Chap.	TITLE OF ACT.	Page.
	County to provide for the re-indexing of certain records of said County—approved March 4, 1871.....	133
67	An Act to provide for the incorporation of Wire Suspension Tramway Companies—approved March 4, 1871.....	133
68	An Act to amend an Act entitled "An Act to provide revenue for the support of the Government of the State of Nevada, approved March 9, 1865, approved March 11, 1867," approved March 3, 1869—approved March 4, 1871.....	134
69	An Act to provide for the selection and sale of lands granted by the United States to the State of Nevada—approved March 4, 1871.....	135
70	An Act to provide for the payment of the outstanding indebtedness of Churchill County—approved March 4, 1871.....	140
71	An Act to amend an Act entitled "An Act to provide revenue for the support of the Government of the State of Nevada," approved March 9, 1865—approved March 4, 1871.....	142
72	An Act granting right of way and other privileges to the Union Pacific Tunnel Company, in the construction of a draining and exploring tunnel in Lander Hill, Lander County, Nevada—approved March 4, 1871.....	146
73	An Act to amend an Act entitled "An Act to provide revenue for the support of the Government of the State of Nevada," approved March 9, 1865—approved March 4, 1871.....	147
74	An Act to amend an Act entitled "An Act relative to Attorneys and Counselors at Law," approved October 31, 1861—approved March 4, 1871.....	148
75	An Act making appropriations for the support of the civil Government of the State of Nevada for the seventh and eighth fiscal years—approved March 6, 1871.....	149
76	An Act to grant the right of way to A. L. Page, J. C. Bateman, George S. Dodge, and their associates, to build and maintain a narrow gauge Railroad through the counties of Elko, Lander, Nye, White Pine and Lincoln—approved March 6, 1871.....	152
77	An Act for the relief of E. B. Hancock—approved March 6, 1871.....	153
78	An Act to transfer certain moneys from the Legislative Fund to the Senate Contingent Fund—approved March 6, 1871.....	154
79	An Act to provide for the payment of outstanding and unsatisfied claims for labor performed, money or material furnished, services rendered, and necessary expenses incurred in and about the construction and completion of the State Capitol at Carson City—approved March 6, 1871.....	154
80	An Act to tax and regulate Foreign Insurance Companies doing business in this State—approved March 6, 1871.....	155
81	An Act making appropriations for deficiencies in the fifth and sixth fiscal years—approved March 8, 1871.....	160
82	An Act to amend an Act entitled "An Act prescribing rules and regulations for the execution of Trust, arising under the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns on Public Lands,' approved March 2, 1867," approved February 10, 1869—approved March 8, 1871.....	163

RESOLUTIONS AND MEMORIALS.

FIFTH SESSION, 1871.

No.	TITLE.	Page.
ASSEMBLY RESOLUTIONS.		
1	Concurrent Resolution relative to Legislative property	167
2	Concurrent Resolution granting leave of absence to William H. Henderson ..	167
3	Concurrent Resolution relative to State's title to State Prison	168
4	Concurrent Resolution relative to the State's title to Plaza, on which the Capitol is situate	168
5	Concurrent Resolution relative to printing Governor's Inaugural Address ...	168
6	Concurrent Resolution relative to report of State Capitol Commissioners ...	168
7	Concurrent Resolution relative to printing homographic charts	159
8	Concurrent Resolution relative to Sergeants-at-Arms giving bonds	169
9	Concurrent Resolution relative to mail from Wadsworth to Belmont	169
10	Concurrent Resolution relative to mail from Winnemucca to Camp Winfield Scott	170
11	Concurrent Resolution relative to lands of Central Pacific Railroad Company	170
12	Concurrent Resolution relative to mail from Pine Grove to Rockland	171
13	Concurrent Resolution relative to mail from Wadsworth to Fort Independence	171
14	Concurrent Resolution granting leave of absence to F. H. Harmon	172
15	Concurrent Resolution granting leave of absence to John H. Dennis	172
16	Concurrent Resolution relative to mail from Elko to Tuscorora	172
SENATE RESOLUTIONS AND MEMORIALS.		
1	Concurrent Resolution relative to printing Governor's Message	174
2	Concurrent Resolution relative to printing report of State Mineralogist	174
3	Concurrent Resolution relative to Installation of State Officers elect	174

No.	TITLE.	Page.
4	Concurrent Resolution relative to defalcation of late State Treasurer.....	175
5	Concurrent Resolution relative to distribution of printed bills.....	175
6	Concurrent Resolution relative to defalcation of late State Treasurer.....	175
7	Concurrent Resolution relative to distribution of State Mineralogist's Report..	176
8	Concurrent Resolution relative to printing report of Superintendent of Public Instruction.....	176
9	Concurrent Resolution relative to furniture for State Orphans' Home.....	176
10	Concurrent Resolution relative to fuel for Senate and Assembly.....	177
11	Memorial and Resolution relative to repealing laws imposing duties on quick-silver.....	177
12	Concurrent Resolution relative to printing and distribution of reports of Treasurer and Controller.....	178
13	Concurrent Resolution relative to printing Rules and Joint Rules.	178
14	Concurrent Resolution relative to printing report of Surveyor-General.....	178
15	Concurrent Resolution granting leave of absence to N. H. Westfall.....	178
16	Concurrent Resolution granting leave of absence to John Kane.....	179
17	Concurrent Resolution relative to printing reports of committees, and of State Capitol Commissioners.....	179
18	Concurrent Resolution relative to Committee on Treasury defalcation.....	179
19	Concurrent Resolution relative to paintings for Legislative Halls.....	180
20	Concurrent Resolution relative to employment of Chinese in the U. S. Branch Mint, Carson City, Nevada, etc.,.....	180
21	Joint Resolution relative to swamp and overflowed lands.....	180
22	Joint Resolution relative to swamp and overflowed lands.....	181
23	Joint Resolution relative to election of Board of Regents.....	181
24	Joint Resolution relative to appointing a committee to establish a basis for a change of representation.....	182
25	Joint Memorial and Concurrent Resolution relative to the United States Government providing for the establishment of Reduction Works.....	182
26	Concurrent Resolution relative to changing certain moneys from the General to the Special Deposit Fund in State Treasury.....	183
27	Joint Resolution relative to extension of time to establish a College of Agriculture and Mechanic Arts.....	184
28	Concurrent Resolution relative to printing and distribution of Act taxing proceeds of Mines.....	184
29	Joint Resolution relative to annexation of a portion of Idaho to Nevada....	185
30	Concurrent Resolution granting leave of absence to J. D. Patterson.....	185

No.	TITLE	Page.
31	Concurrent Resolution relative to exchange of State Stamps with C. P. R. R. Co.	186
32	Concurrent Resolution granting leave of absence to Robert Stein	186
33	Concurrent Resolution relative to printing report of Defalcation Committee.	186
34	Concurrent Resolution relative to furnishing books to ex-Gov. Blasdel.....	187
35	Concurrent Resolution relative to compensation for enrolling.....	187
36	Concurrent Resolution relative to Committee to wait upon Governor.....	187
37	Joint Resolution asking California to cede the territory east of the summit of Sierras to Nevada.....	187
38	Concurrent Resolution relative to report of Committee on Defalcation as to Hon. Lewis Doron.....	188

Constitution of the State of Nevada.

CONSTITUTION.

PRELIMINARY ACTION.

WHEREAS, the Act of Congress, approved March twenty-first, ^{Preamble.}
A.D. eighteen hundred and sixty-four, "To Enable the People of
the Territory of Nevada to form a Constitution and State Govern-
ment, and for the admission of such State into the Union on an
equal footing with the original States," requires that the members
of the Convention for framing said Constitution shall, after or-
ganization, on behalf of the people of said Territory, adopt the
Constitution of the United States; therefore, be it

Resolved, That the members of this Convention, elected by the
authority of the aforesaid Enabling Act of Congress, assembled <sup>Constitu-
tion of Unit-
ed States
adopted.</sup>
in Carson City, the Capital of said Territory of Nevada, and im-
mediately subsequent to its organization, do adopt, on behalf the
people of said Territory, the Constitution of the United States.

ORDINANCE.

In obedience to the requirements of an Act of the Congress of ^{Ordinance.}
the United States, approved March twenty-first, A.D. eighteen
hundred and sixty-four, to enable the people of Nevada to form
a Constitution and State Government, this Convention, elected
and convened in obedience to said Enabling Act, do ordain as
follows—and this ordinance shall be irrevocable, without the con-
sent of the United States and the people of the State of Nevada:

First. That there shall be in this State neither slavery nor <sup>Slavery
Prohibited.</sup>
involuntary servitude, otherwise than in the punishment for
crimes, whereof the party shall have been duly convicted.

Second. That perfect toleration of religious sentiment shall be <sup>Religious
sentiment
tolerated.</sup>
secured, and no inhabitant of said State shall ever be molested,

in person or property, on account of his or her mode of religious worship.

Right and
title to
public land
disclaimed.

United
States lands
exempt
from taxa-
tion.

Third. That the people inhabiting said Territory do agree, and declare, that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that lands belonging to citizens of the United States, residing without the said State, shall never be taxed higher than the land belonging to residents thereof; and that no taxes shall be imposed by said State on lands or property therein belonging to, or which may hereafter be purchased by, the United States.

PREAMBLE.

We, the People of the State of Nevada, grateful to Almighty God for our freedom, in order to secure its blessings, insure domestic tranquillity, and form a more perfect Government, do establish this

CONSTITUTION.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All men are, by nature, free and equal, and have certain inalienable rights: among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness.

Paramount
allegiance.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people; and they have the right to alter or reform the same whenever the public good may require it. But the paramount allegiance of every citizen is due to the Federal Government, in the exercise of all its Constitutional powers, as the same have been, or may be, defined by the Supreme Court of the United States, and no power exists in the people of this or any other State of the Federal Union, to dissolve their connection therewith, or perform any act tending to impair, subvert, or resist the supreme authority of the Government of the United States. The Constitution of the United States confers full power on the Federal Government to maintain and perpetuate its existence, and whensoever any portion of the States, or people thereof, attempt to secede from the Federal Union, or forcibly resist the execution of its laws, the Federal Government may, by warrant of the Constitution, employ armed force in compelling obedience to its authority.

Powers of
Federal
Govern-
ment.

Right of
trial by
jury.

SEC. 3. The right of trial by jury shall be secured to all, and remain inviolate forever; but a jury trial may be waived by the parties in all civil cases, in the manner to be prescribed by law;

and in civil cases, if three fourths of the jurors agree upon a verdict, it shall stand, and have the same force and effect as a verdict by the whole jury; *provided*, the Legislature, by a law passed by a two thirds vote of all the members elected to each branch thereof, may require a unanimous verdict, notwithstanding this provision.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of his religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State. Religious
worship.

SEC. 5. The privilege of the writ of *habeas corpus* shall not be suspended, unless, when in cases of rebellion or invasion, the public safety may require its suspension. Habeas
Corpus.

SEC. 6. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishments be inflicted; nor shall witnesses be unreasonably detained. Bail.

SEC. 7. All persons shall be bailable by sufficient sureties; unless for capital offenses, when the proof is evident, or the presumption great. When
bailable.

SEC. 8. No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service, and the land and naval forces in time of war, or which this State may keep with the consent of Congress in time of peace, and in cases of petit larceny, under the regulation of the Legislature) except on presentment or indictment of a grand jury; and in any trial in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation having been first made or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made. Capital or
infamous
crime, when
tried.

When
property
may be
taken
without
compensa-
tion.

SEC. 9. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions, and civil actions for libels, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted or exonerated. Freedom of
speech and
of the press

SEC. 10. The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances. Right to
assemble
and peti-
tion.

SEC. 11. The military shall be subordinate to the civil power. No standing army shall be maintained by this State in time of Standing
army not
maintained.

peace, and in time of war no appropriation for a standing army shall be for a longer time than two years.

SEC. 12. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in the manner to be prescribed by law.

Apportionment of representation. SEC. 13. Representation shall be apportioned according to population.

Privileges of debtors. SEC. 14. The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for payment of any debts or liabilities hereafter contracted; and there shall be no imprisonment for debt, except in cases of fraud, libel, or slander, and no person shall be imprisoned for a militia fine in time of peace.

Ex post facto law. SEC. 15. No bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, shall ever be passed.

Rights of *bona fide* residents. SEC. 16. Foreigners who are, or who may hereafter become, *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property as native-born citizens.

Slavery prohibited. SEC. 17. Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State.

Rights against seizures and searches. SEC. 18. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place or places to be searched, and the person or persons, and thing or things, to be seized.

Treason, what to consist of. SEC. 19. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. And no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 20. This enumeration of rights shall not be construed to impair or deny others retained by the people.

ARTICLE II.

RIGHT OF SUFFRAGE.

Right of suffrage. Who entitled. SECTION 1. Every white male citizen of the United States, (not laboring under the disabilities named in this Constitution,) of the age of twenty-one years and upwards, who shall have actually and not constructively resided in the State six months, and in the district or county thirty days next preceding any election, shall be entitled to vote for all officers that now are, or hereafter may be, elected by the people, and upon all questions submitted to the electors at such election; *provided*, that no person who has been, or may be, convicted of treason or felony in any State or Territory of the United States, unless restored to civil rights, and no person who, after arriving at the age of eighteen years, shall have

voluntarily borne arms against the United States, or held civil or military office under the so-called Confederate States, or either of them, unless an amnesty be granted to such by the Federal Government, and no idiot or insane person shall be entitled to the privilege of an elector.

SEC. 2. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of the United States or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum, at public expense; nor while confined in any public prison.

Residence, when not gained or lost.

SEC. 3. The right of suffrage shall be enjoyed by all persons otherwise entitled to the same who may be in the military or naval service of the United States; *provided*, the votes so cast shall be made to apply to the county and township of which said voters were *bona fide* residents at the time of their enlistment; and, *provided further*, that the payment of a poll tax or a registration of such voters shall not be required as a condition to the right of voting. Provision shall be made by law regulating the manner of voting, holding elections and making returns of such elections, wherein other provisions are not contained in this Constitution.

Right of suffrage to be enjoyed by persons in military service.

Proviso.

SEC. 4. During the day on which any general election shall be held in this State, no qualified elector shall be arrested by virtue of any civil process.

Elector, not to be arrested.

SEC. 5. All elections by the people shall be by ballot, and all elections by the Legislature, or by either branch thereof, shall be *viva voce*.

Elections.

SEC. 6. Provision shall be made by law for the registration of the names of the electors within the counties of which they may be residents, and for the ascertainment, by proper proofs, of the persons who shall be entitled to the right of suffrage, as hereby established, to preserve the purity of elections and to regulate the manner of holding and making returns of the same; and the Legislature shall have power to prescribe by law any other or further rules or oaths as may be deemed necessary, as a test of electoral qualification.

Registration of electors required.

SEC. 7. The Legislature shall provide by law for the payment of an annual poll tax of not less than two nor exceeding four dollars from each male person resident in the State, between the ages of twenty-one and sixty years (uncivilized American Indians excepted), one half to be applied for State, and one half for county purposes; and the Legislature may, in its discretion, make such payment a condition to the right of voting.

Poll tax.

SEC. 8. All persons qualified by law to vote for representatives to the General Assembly of the Territory of Nevada on the twenty-first day of March, A. D. eighteen hundred and sixty-four, and all other persons who may be lawful voters in said Territory on the first Wednesday of September next following, shall be entitled to vote directly upon the question of adopting or rejecting this Constitution.

Qualified voters.

ARTICLE III.

DISTRIBUTION OF POWERS.

Powers
restricted.

SECTION 1. The powers of the Government of the State of Nevada shall be divided into three separate departments—the Legislative, the Executive, and the Judicial; and no persons charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases herein expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

How vested.

SECTION 1. The Legislative authority of this State shall be vested in a Senate and Assembly, which shall be designated "The Legislature of the State of Nevada," and the sessions of such

Where held.

Legislature shall be held at the seat of government of the State.

Sessions.

SEC. 2. The sessions of the Legislature shall be biennial, and shall commence on the first Monday of January next ensuing the election of members of the Assembly, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation.

Assembly-
men, when
chosen.

SEC. 3. The members of the Assembly shall be chosen biennially, by the qualified electors of their respective districts, on the Tuesday next after the first Monday in November, and their term of office shall be two years from the day next after their election.

Term of
office.

Senators,
when
chosen.

Term of
office.

SEC. 4. Senators shall be chosen at the same time and places as members of the Assembly, by the qualified electors of their respective districts, and their term of office shall be four years from the day next after their election.

Senators
and Assem-
bly men to
be qualified
electors.

SEC. 5. Senators and members of the Assembly shall be duly qualified electors in the respective counties and districts which they represent, and the number of Senators shall not be less than one third nor more than one half of that of the members of the Assembly.

Right to
judge of
qualifica-
tion.

SEC. 6. Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings, and may punish its members for disorderly conduct, and, with the concurrence of two thirds of all the members elected, expel a member.

May punish
and expel.

May punish
for con-
tempt, etc.

SEC. 7. Either House, during the session, may punish, by imprisonment, any person not a member who shall have been guilty of disrespect to the House by disorderly or contemptuous behavior in its presence; but such imprisonment shall not extend beyond the final adjournment of the session.

Not eligible
to appoint-
ment to
civil office.

SEC. 8. No Senator or Member of Assembly shall, during the term for which he shall have been elected, nor for one year thereafter, be appointed to any civil office of profit under this State

which shall have been created, or the emoluments of which shall have been increased during such term, except such office as may be filled by elections by the people.

SEC. 9. No person holding any lucrative office under the Government of the United States, or any other power, shall be eligible to any civil office of profit under this State; *provided*, that Postmasters whose compensation does not exceed five hundred dollars per annum, or Commissioners of Deeds, shall not be deemed as holding a lucrative office. Who not eligible to office.

SEC. 10. Any person who shall be convicted of the embezzlement or defalcation of the public funds of this State, or who may be convicted of having given or offered a bribe to procure his election or appointment to office, or received a bribe to aid in the procurement of office for any other person, shall be disqualified from holding any office of profit or trust in this State; and the Legislature shall, as soon as practicable, provide by law for the punishment of such defalcation, bribery or embezzlement as a felony. When disqualified.

SEC. 11. Members of the Legislature shall be privileged from arrest on civil process during the session of the Legislature, and for fifteen days next before the commencement of each session. Members exempt from arrest.

SEC. 12. When vacancies occur in either House, the Governor shall issue writs of election to fill such vacancy. Vacancies, how filled.

SEC. 13. A majority of all the members elected to each House shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each House may prescribe. Quorum.

SEC. 14. Each House shall keep a journal of its own proceedings, which shall be published, and the yeas and nays of the members of either House on any question shall, at the desire of any three members present, be entered on the journal. Journal required.

SEC. 15. The doors of each House shall be kept open during its session, except the Senate while sitting in executive session; and neither shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be holding their sessions. Doors may be closed.

SEC. 16. Any bill may originate in either House of the Legislature, and all bills passed by one may be amended in the other. Where bills may originate.

SEC. 17. Each law enacted by the Legislature shall embrace but one subject and matter properly connected therewith, which subject shall be briefly expressed in the title; and no law shall be revised or amended by reference to its title only; but, in such case, the Act as revised, or section as amended, shall be reenacted and published at length. Laws, what to embrace.

SEC. 18. Every bill shall be read by sections on three several days in each House, unless in case of emergency two thirds of the House where such bill may be pending shall deem it expedient to dispense with this rule; but the reading of a bill by sections, on its final passage, shall in no case be dispensed with, and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays, to be entered on the journals of each House; Bills, how read.

How passed. and a majority of all the members elected to each House shall be necessary to pass every bill or joint resolution; and all bills or joint resolutions so passed shall be signed by the presiding officers of the respective Houses, and by the Secretary of the Senate and Clerk of the Assembly.

How signed.

Money, how to be drawn. SEC. 19. No money shall be drawn from the Treasury but in consequence of appropriations made by law. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at every regular session of the Legislature.

Legislation restricted. SEC. 20. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

Regulating the jurisdiction and duties of Justices of the Peace and of Constables;

For the punishment of crimes and misdemeanors;

Regulating the practice of Courts of Justice;

Providing for changing the venue in civil and criminal cases;

Granting divorces;

Changing the names of persons;

Vacating roads, town plots, streets, alleys and public squares;

Summoning and impaneling grand and petit juries, and providing for their compensation;

Regulating county and township business;

Regulating the election of county and township officers;

For the assessment and collection of taxes for State, county and township purposes;

Providing for opening and conducting elections of State, county or township officers, and designating the places of voting;

Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities.

Laws to be general. SEC. 21. In all cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State.

Suits against the State. SEC. 22. Provision may be made by general law for bringing suit against the State, as to all liabilities originating after the adoption of this Constitution.

Enacting clause. SEC. 23. The enacting clause of every law shall be as follows: "The People of the State of Nevada, represented in Senate and Assembly, do enact as follows," and no law shall be enacted except by bill.

Lotteries prohibited. SEC. 24. No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed.

County and township government. SEC. 25. The Legislature shall establish a system of county and township government, which shall be uniform throughout the State.

County Commissioners. SEC. 26. The Legislature shall provide by law for the election of a Board of County Commissioners in each county, and such County Commissioners shall, jointly and individually, perform such duties as may be prescribed by law.

Jury service. SEC. 27. Laws shall be made to exclude from serving on juries, all persons not qualified electors of this State, and all persons

who shall have been convicted of bribery, perjury, forgery, larceny, or other high crimes, unless restored to civil rights; and laws shall be passed regulating elections and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice. Elections.

SEC. 28. No money shall be drawn from the State Treasury as salary or compensation to any officer or employé of the Legislature, or either branch thereof, except in cases where such salary or compensation has been fixed by a law in force prior to the election or appointment of such officer or employé, and the salary or compensation so fixed shall neither be increased nor diminished so as to apply to any officer or employé of the Legislature, or either branch thereof, at such session; *provided*, that this restriction shall not apply to the first session of the Legislature. When money to be drawn.

SEC. 29. The first regular session of the Legislature, under this Constitution, may extend to ninety days, but no subsequent regular session shall exceed sixty days, nor any special session, convened by the Governor, exceed twenty days. Time of session.

SEC. 30. A homestead, as provided by law, shall be exempt from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife, when that relation exists; but no property shall be exempt from sale for taxes or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon; *provided*, the provisions of this section shall not apply to any process of law obtained by virtue of a lien given by the consent of both husband and wife; and laws shall be enacted providing for the recording of such homestead within the county in which the same shall be situated. Homesteads exempt from forced sale.

SEC. 31. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise, or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife in relation, as well to her separate property as to that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property. Wife to hold property. Registration.

SEC. 32. The Legislature shall provide for the election, by the people, of a Clerk of the Supreme Court, County Clerks, County Recorders, who shall be *ex officio* County Auditors, District Attorneys, Sheriffs, County Surveyors, Public Administrators, and other necessary officers, and fix by law their duties and compensation. County Clerks shall be *ex officio* Clerks of the Courts of Record, and of the Boards of County Commissioners, in and for their respective counties. Officers, provision to be made for election of.

SEC. 33. The members of the Legislature shall receive for their services a compensation to be fixed by law, and paid out of the public treasury; but no increase of such compensation shall take effect during the term for which the members of either House shall have been elected; *provided*, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery, not exceeding the sum of sixty dollars for any general or special session, to each member; and, furthermore pro- Compensation.

vided, that the Speaker of the Assembly, and Lieutenant-Governor as President of the Senate, shall each, during the time of their actual attendance as such presiding officers, receive an additional allowance of two dollars per diem.

United
States
Senators,
how
elected.

SEC. 34. In all elections for United States Senators, such elections shall be held in joint convention of both Houses of the Legislature. It shall be the duty of the Legislature which convenes next preceding the expiration of the term of such Senator to elect his successor. If a vacancy in such Senatorial representation from any cause occur, it shall be the duty of the Legislature then in session, or at the succeeding session thereof, to supply such vacancy. If the Legislature shall at any time, as herein provided, fail to unite in a joint convention within twenty days after the commencement of the session of the Legislature, for the election [of] such Senator, it shall be the duty of the Governor, by proclamation, to convene the two Houses of the Legislature, in joint convention, within not less than five days nor exceeding ten days from the publication of his proclamation; and the joint convention, when so assembled, shall proceed to elect the Senator as herein provided.

Bill, when
to become a
law.

SEC. 35. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, which House shall cause such objections to be entered upon its journal, and proceed to reconsider it. If, after such reconsideration, it again pass both Houses by yeas and nays, by a vote of two thirds of the members elected to each House, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within five days after it shall have been presented to him (Sunday excepted) exclusive of the day on which he received it, the same shall be a law in like manner as if he had signed it, unless the Legislature, by its final adjournment, prevent such return, in which case it shall be a law, unless the Governor, within ten days next after the adjournment (Sundays excepted), shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislature at its next session, in like manner as if it had been returned by the Governor, and if the same shall receive the vote of two thirds of the members elected to each branch of the Legislature, upon a vote taken by yeas and nays, to be entered upon the journals of each House, it shall become a law.

ARTICLE V.

EXECUTIVE DEPARTMENT.

Supreme
power, in
whom
vested.

SECTION 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be Governor of the State of Nevada.

SEC. 2. The Governor shall be elected by the qualified electors

at the time and places of voting for members of the Legislature, and shall hold his office for four years from the time of his installation and until his successor shall be qualified. Governor, elected, and term of office.

SEC. 3. No person shall be eligible to the office of Governor who is not a qualified elector, and who, at the time of such election, has not attained the age of twenty-five years; and who, except at the first election under this Constitution, shall not have been a citizen resident of this State for two years next preceding the election. Who eligible.

SEC. 4. The returns of every election for Governor, and other State officers voted for at the general election, shall be sealed up and transmitted to the seat of government, directed to the Secretary of State; and on the third Monday of December succeeding such election, the Chief Justice of the Supreme Court and the Associate Justices, or a majority thereof, shall meet at the office of the Secretary of State, and open and canvass the election returns for Governor and all other State officers, and forthwith declare the result and publish the names of the persons elected. The persons having the highest number of votes for the respective offices shall be declared elected; but in case any two or more have an equal, and the highest number of votes for the same office, the Legislature shall, by joint vote of both Houses, elect one of said persons to fill said office. Returns of election, how made. Who elected.

SEC. 5. The Governor shall be Commander-in-Chief of the military forces of this State, except when they shall be called into the service of the United States. Commander-in-Chief.

SEC. 6. He shall transact all executive business with the officers of the Government, civil and military, and may require information in writing from the officers of the Executive Department, upon any subject relating to the duties of their respective offices. Duties of Governor.

SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have the power to fill such vacancy by granting a commission, which shall expire at the next election and qualification of the person elected to such office. Vacancies in office, how filled.

SEC. 9. The Governor may, on extraordinary occasions, convene the Legislature by proclamation, and shall state to both Houses, when organized, the purpose for which they have been convened, and the Legislature shall transact no legislative business except that for which they were specially convened, or such other legislative business as the Governor may call to the attention of the Legislature while in session. May convene Legislature.

SEC. 10. He shall communicate, by message, to the Legislature, at every regular session, the condition of the State, and recommend such measures as he may deem expedient. Communications, how made.

SEC. 11. In case of a disagreement between the two Houses, with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next Legislature. Power to adjourn.

SEC. 12. No person shall, while holding any office under the

Who not
eligible to
office of
Governor.

Powers of
Governor.

United States Government, hold the office of Governor, except as herein expressly provided.

SEC. 13. The Governor shall have the power to suspend the collection of fines and forfeitures, and grant reprieves for a period not exceeding sixty days dating from the time of conviction, for all offenses except in cases of impeachment. Upon conviction for treason he shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. And if the Legislature should fail or refuse to make final disposition of the case, the sentence shall be enforced at such time and place as the Governor by his order may direct. The Governor shall communicate to the Legislature at the beginning of every session, every case of fine or forfeiture remitted, or reprieve, pardon or commutation granted, stating the name of the convict, the crime of which he was convicted, the sentence, its date, and the date of the remission, commutation, pardon or reprieve.

Who may
remit fines
and grant
pardons.

SEC. 14. The Governor, Justices of the Supreme Court, and Attorney-General, or a major part of them, of whom the Governor shall be one, may, upon such conditions and with such limitations and restrictions as they may think proper, remit fines and forfeitures, commute punishments, and grant pardons, after convictions in all cases, except treason and impeachments, subject to such regulations as may be provided by law relative to the manner of applying for pardons.

State Seal.

SEC. 15. There shall be a seal of this State, which shall be kept by the Governor and used by him officially, and shall be called "The Great Seal of the State of Nevada."

Grants and
commis-
sions to be
in the name
of the
State, etc.

SEC. 16. All grants and commissions shall be in the name and by the authority of the State of Nevada, sealed with the Great Seal of the State, signed by the Governor and countersigned by the Secretary of State.

Lieutenant-
Governor,
how to be
elected.

SEC. 17. A Lieutenant-Governor shall be elected at the same time and places and in the same manner as the Governor, and his term of office, and his eligibility, shall also be the same. He shall be President of the Senate, but shall only have a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of the office, or be absent from the State, the President *pro tempore* of the Senate shall act as Governor, until the vacancy be filled or the disability cease.

When du-
ties of Gov-
ernor shall
devolve on
Lieutenant.

SEC. 18. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, and at the head of any military force thereof, he shall continue Commander-in-Chief of the military forces of the State.

SEC. 19. A Secretary of State, a Treasurer, a Controller, a Surveyor-General, and an Attorney-General shall be elected at the same time and places, and in the same manner as the Governor. The term of office of each shall be the same as is prescribed for the Governor. Any elector shall be eligible to either of said offices.

SEC. 20. The Secretary of State shall keep a true record of the official acts of the Legislative and Executive Departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature.

SEC. 21. The Governor, Secretary of State and Attorney-General, shall constitute a board of State Prison Commissioners, which Board shall have such supervision of all matters connected with the State Prison as may be provided by law. They shall also constitute a Board of Examiners, with power to examine all claims against the State (except salaries or compensation of officers fixed by law), and perform such other duties as may be prescribed by law. And no claim against the State (except salaries or compensation of officers fixed by law), shall be passed upon by the Legislature without having been considered and acted upon by said Board of Examiners.

SEC. 22. The Secretary of State, State Treasurer, State Controller, Surveyor-General, Attorney-General, and Superintendent of Public Instruction, shall perform such other duties as may be prescribed by law.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in a Supreme Court, District Courts, and in Justices of the Peace. The Legislature may also establish Courts, for municipal purposes only, in incorporated cities and towns.

SEC. 2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, a majority of whom shall constitute a quorum. *Provided*, that the Legislature, by a majority of all the members elected to each branch thereof, may provide for the election of two additional Associate Justices, and if so increased, three shall constitute a quorum. The concurrence of a majority of the whole Court shall be necessary to render a decision.

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at the general election, and shall hold office for the term of six years from and including the first Monday in January next succeeding their election; *provided*, that there shall be elected at the first election under this Constitution, three Justices of the Supreme Court, who shall hold office from and including the first Monday of December, A. D. eighteen hundred and sixty-four, and continue in office thereafter two, four and six years respectively, from and including the first Monday of January next succeeding their election. They shall meet as soon as practicable after their election and qualification, and at their

Chief
Justice.

first meeting shall determine by lot the term of office each shall fill, and the Justice drawing the shortest term shall be Chief Justice, and after the expiration of his term, the one having the next shortest term shall be Chief Justice; after which the senior Justice in commission shall be Chief Justice. And in case the commission of any two or more of said Justices shall bear the same date, they shall determine by lot who shall be Chief Justice.

Jurisdiction.

SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases in equity; also, in all cases at law in which is involved the title or right of possession to, or the possession of real estate or mining claims, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand (exclusive of interest) or the value of the property in controversy exceeds three hundred dollars; also, in all other civil cases not included in the general subdivision of law and equity, and also on questions of law alone, in all criminal cases in which the offense charged amounts to a felony. The Court shall also have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, and also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State, upon petition by, or on behalf of any person held in actual custody, and may make such writs returnable before himself or the Supreme Court, or before any District Court in the State, or before any Judge of said Courts.

Judicial
districts.

SEC. 5. The State is hereby divided into nine Judicial Districts, of which the county of Storey shall constitute the first, the county of Ormsby the second; the county of Lyon the third; the county of Washoe the fourth; the counties of Nye and Churchill the fifth; the county of Humboldt the sixth; the county of Lander the seventh; the county of Douglas the eighth; and the county of Esmeralda the ninth. The county of Roop shall be attached to the county of Washoe for judicial purposes, until otherwise provided by law. The Legislature may, however, provide by law, for an alteration in the boundaries or divisions of the districts herein prescribed, and also for increasing or diminishing the number of the Judicial Districts and Judges therein. But no such change shall take effect except in case of a vacancy or the expiration of the term of an incumbent of the office. At the first general election under this Constitution there shall be elected in each of the respective districts, (except as in this section hereafter otherwise provided,) one District Judge, who shall hold office from and including the first Monday of December, A. D. eighteen hundred and sixty-four, and until the first Monday of January, in the year eighteen hundred and sixty-seven; after the said first election there shall be elected, at the general election which immediately precedes the expiration of the term of his predecessor, one District Judge in each of the respective Judicial Districts, (except in the First District, as in this section hereinafter provided.) The District Judges shall be elected by the qualified electors of their respective districts, and shall hold office for the term of four years (excepting those elected at said first election,) from and including

May be
altered.

Election of
District
Judges.

One Judge
for each
District.

the first Monday of January next succeeding their election and qualification; *provided*, that the First Judicial District shall be entitled to and shall have three District Judges, who shall possess co-extensive and concurrent jurisdiction, and who shall be elected at the same times, in the same manner, and shall hold office for the like terms as herein prescribed in relation to the Judges in other Judicial Districts. Any one of said Judges may preside on the empaneling of Grand Juries, and the presentment and trial on indictments under such rules and regulations as may be prescribed by law. Proviso.

SEC. 6. The District Courts in the several Judicial Districts of this State shall have original jurisdiction in all cases in equity; also, in all cases at law which involve the title, or the right of possession to, or the possession of real property or mining claims, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, (exclusive of interest,) or the value of the property in controversy exceeds three hundred dollars; also, in all cases relating to the estates of deceased persons, and the persons and estates of minors and insane persons, and of the action of forcible entry and unlawful detainer; and also in all criminal cases not otherwise provided for by law. They shall also have final appellate jurisdiction in cases arising in Justices' Courts, and such other inferior tribunals as may be established by law. The District Courts and the Judges thereof shall have power to issue writs of mandamus, injunction, quo warranto, certiorari, and all other writs proper and necessary to the complete exercise of their jurisdiction; and also shall have power to issue writs of habeas corpus on petition by, or on behalf of any person held in actual custody in their respective districts. Jurisdiction and powers.

SEC. 7. The times of holding the Supreme Court, and District Courts, shall be as fixed by law. The terms of the Supreme Court shall be held at the seat of government and the terms of the District Courts shall be held at the county seats of their respective counties; *provided*, that in case any county shall hereafter be divided into two or more Districts, the Legislature may by law designate the places of holding Courts in such Districts. When and where Courts to be held.

SEC. 8. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and shall fix by law their powers, duties, and responsibilities; *provided*, that such Justices' Courts shall not have jurisdiction of the following cases, viz: First—of cases in which the matter in dispute is a money demand or personal property, and the amount demand (exclusive of interest) or the value of the property exceeds three hundred dollars. Second—of cases wherein the title to real estate or mining claims or questions of boundaries to land, is or may be involved; or of cases that in any manner shall conflict with the jurisdiction of the several Courts of Record in this State; *and, provided further*, that Justices' Courts shall have such criminal jurisdiction as may be prescribed by law; and the Legislature may confer upon said Courts jurisdiction concurrent with the District Courts of actions to enforce mechanic's liens, wherein the amount (exclusive of interest) does not exceed three hundred dollars; and, Justices of the Peace.
Jurisdiction restricted.
Criminal jurisdiction.
Concurrent jurisdiction.

- also, of actions for the possession of lands and tenements, where the relation of landlord and tenant exists, or when such possession has been unlawfully or fraudulently obtained or withheld. The Legislature shall also prescribe by law the manner and determine the cases in which appeals may be taken from Justices' and other Courts. The Supreme Court, the District Courts, and such other Courts as the Legislature shall designate, shall be Courts of Record.
- Appeals.** SEC. 9. Provision shall be made by law prescribing the powers, duties, and responsibilities of any Municipal Court that may be established in pursuance of Section one of this article; and also fixing by law the jurisdiction of said Court so as not to conflict with that of the several Courts of Record.
- Courts of Record.** SEC. 10. No judicial officer, except Justices of the Peace and City Recorders, shall receive to his own use any fees or perquisites of office.
- Municipal Courts.** SEC. 11. The Justices of the Supreme Court and the District Judges shall be ineligible to any office, other than a judicial office, during the term for which they shall have been elected, and all elections or appointments of any such Judges, by the people, Legislature, or otherwise, during said period, to any office other than judicial, shall be void.
- Not to receive fees, etc.** SEC. 12. Judges shall not charge juries in respect to matters of fact, but may state the testimony and declare the law.
- Ineligible to other office.** SEC. 13. The style of all process shall be "The State of Nevada," and all prosecutions shall be conducted in the name and by the authority of the same.
- Charge to juries.** SEC. 14. There shall be but one form of civil action, and law and equity may be administered in the same action.
- Style of process.** SEC. 15. The Justices of the Supreme Court and District Judges shall each receive quarterly, for their services, a compensation to be fixed by law, and which shall not be increased or diminished during the term for which they shall have been elected, unless in case a vacancy occurs, in which case the successor of the former incumbent shall receive only such salary as may be provided by law at the time of his election or appointment; and provision shall be made by law for setting apart from each year's revenue a sufficient amount of money to pay such compensation; *provided*, that District Judges shall be paid out of the county treasuries of the counties composing their respective districts.
- Form of civil action.** SEC. 16. The Legislature, at its first session, and from time to time thereafter, shall provide by law that upon the institution of each civil action and other proceedings, and also upon the perfecting of an appeal in any civil action or proceeding in the several Courts of Record in this State, a special court fee or tax shall be advanced to the clerks of said courts respectively by the party or parties bringing such action or proceeding or taking such appeal, and the money, so paid in, shall be accounted for by such clerks, and applied toward the payment of the compensation of the Judges of said courts as shall be directed by law.
- Salaries.** SEC. 17. The Legislature shall have no power to grant leave of absence to a judicial officer, and any such officer who shall
- How paid.**
- Court fee, or tax.**
- Office, when vacated.**

absent himself from the State for more than ninety consecutive days shall be deemed to have vacated his office.

SEC. 18. No judicial officer shall be superseded, nor shall the organization of the several Courts of the Territory of Nevada be changed until the election and qualification of the several officers provided for in this Article. When superseded.

ARTICLE VII.

IMPEACHMENT AND REMOVAL FROM OFFICE.

SECTION 1. The Assembly shall have the sole power of impeachment. The concurrence of a majority of all the members elected shall be necessary to an impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to law and evidence. The Chief Justice of the Supreme Court shall preside over the Senate while sitting to try the Governor or Lieutenant Governor upon impeachment. No person shall be convicted without the concurrence of two thirds of the Senators elected. Impeachment. How tried. Chief Justice to preside. Conviction.

SEC. 2. The Governor and other State and judicial officers, except Justices of the Peace, shall be liable to impeachment for misdemeanor or malfeasance in office; but judgment in such case shall not extend further than removal from office and disqualification to hold any office of honor, profit or trust under this State. The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment, according to law. Who liable to impeachment.

SEC. 3. For any reasonable cause, to be entered on the journals of each House, which may or may not be sufficient grounds for impeachment, the Chief Justice and Associate Justices of the Supreme Court and Judges of the District Courts shall be removed from office on the vote of two thirds of the members elected to each branch of the Legislature, and the Justice or Judge complained of shall be served with a copy of the complaint against him, and shall have an opportunity of being heard in person or by counsel in his defence; *provided*, that no member of either branch of the Legislature shall be eligible to fill the vacancy occasioned by such removal. Justices of Supreme Court and District Judges may be removed.

SEC. 4. Provision shall be made by law for the removal from office of any civil officer, other than those in this article previously specified, for malfeasance or nonfeasance in the performance of his duties. Removal from office of civil officer.

ARTICLE VIII.

MUNICIPAL AND OTHER CORPORATIONS.

SECTION 1. The Legislature shall pass no special act in any manner relating to corporate powers, except for municipal purposes; but corporations may be formed under general laws; No special legislation.

and all such laws may, from time to time, be altered or repealed.

Taxation,
what sub-
ject to.

SEC. 2. All real property and possessory rights to the same, as well as personal property in this State, belonging to corporations now existing or hereafter created, shall be subject to taxation the same as property of individuals; *provided*, that the property of corporations formed for municipal, charitable, religious or educational purposes may be exempted by law.

Dues may
be secured.

SEC. 3. Dues from corporations shall be secured by such means as may be prescribed by law; *provided*, that corporators in corporations formed under the laws of this State shall not be individually liable for the debts or liabilities of such corporation.

SEC. 4. Corporations created by or under the laws of the Territory of Nevada shall be subject to the provisions of such laws until the Legislature shall pass laws regulating the same, in pursuance of the provisions of this Constitution.

Corpora-
tions may
sue.

SEC. 5. Corporations may sue and be sued in all Courts, in like manner as individuals.

Bank notes
prohibited.

SEC. 6. No bank notes or paper of any kind shall ever be permitted to circulate as money in this State, except the Federal currency and the notes of banks authorized under the laws of Congress.

Right of
way.

SEC. 7. No right of way shall be appropriated to the use of any corporations until full compensation be first made or secured therefor.

Organiza-
tion of cities
and towns.

SEC. 8. The Legislature shall provide for the organization of cities and towns by general laws, and restrict their powers of taxation, assessment, borrowing money, contracting debts, and loaning their credit, except for procuring supplies of water.

State not to
donate or
loan.

SEC. 9. The State shall not donate or loan money or its credit, or subscribe to or be interested in the stock of any company, association or corporation, except corporations formed for educational or charitable purposes.

County,
etc., not to
become
stockholder.

SEC. 10. No county, city, town, or other municipal corporation, shall become a stockholder in any joint stock company, corporation or association whatever, or loan its credit in aid of any such company, corporation or association, except railroad corporations, companies or associations.

ARTICLE IX.

FINANCE AND STATE DEBT.

Fiscal year.

SECTION 1. The fiscal year shall commence on the first day of January in each year.

Legislature
to provide
for levying
an annual
tax.

SEC. 2. The Legislature shall provide by law for an annual tax sufficient to defray the estimated expenses of the State for each fiscal year; and whenever the expenses of any year shall exceed the income, the Legislature shall provide for levying a tax sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of such ensuing years [year] or two years.

SEC. 3. For the purpose of enabling the State to transact its

business upon a cash basis, from its organization, the State may contract public debts; but such debts shall never, in the aggregate, exclusive of interest, exceed the sum of three hundred thousand dollars, except for the purpose of defraying extraordinary expenses as hereinafter mentioned. Every such debt shall be authorized by law for some purpose or purposes, to be distinctly specified therein; and every such law shall provide for levying an annual tax sufficient to pay the interest semi-annually, and the principal within twenty years from the passage of such law, and shall specially appropriate the proceeds of said taxes to the payment of said principal and interest; and such appropriation shall not be repealed, nor the taxes be postponed or diminished until the principal and interest of said debts shall have been wholly paid. Every contract of indebtedness entered into or assumed by or on behalf of the State, when all its debts and liabilities amount to said sum before mentioned, shall be void and of no effect, except in cases of money borrowed to repel invasion, suppress insurrection, defend the State in time of war, or, if hostilities be threatened, provide for the public defense.

SEC. 4. The State shall never assume the debts of any county, town, city, or other corporation whatever, unless such debts have been created to repel invasion, suppress insurrection, or to provide for the public defense.

ARTICLE X.

TAXATION.

SECTION 1. The Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, the proceeds of which alone shall be taxed, and also excepting such property as may be exempted by law for municipal, educational, literary, scientific, religious or charitable purposes.

ARTICLE XI.

EDUCATION.

SECTION 1. The Legislature shall encourage, by all suitable means, the promotion of intellectual, literary, scientific, mining, mechanical, agricultural, and moral improvements; and also provide for the election, by the people, at the general election, of a Superintendent of Public Instruction, whose term of office shall be two years from the first Monday of January, A. D. eighteen hundred and sixty-five, and until the election and the qualification of his successor, and whose duties shall be prescribed by law.

SEC. 2. The Legislature shall provide for a uniform system of common schools, by which a school shall be established and maintained in each school district at least six months in every year;

and any school district neglecting to establish and maintain such a school, or which shall allow instruction of a sectarian character therein, may be deprived of its proportion of the interest of the public school fund during such neglect or infraction; and the Legislature may pass such laws as will tend to secure a general attendance of the children in each school district upon said public schools.

Lands appropriated for educational purposes.

SEC. 3. All lands, including the sixteenth and thirty-sixth sections in every township, donated for the benefit of public schools in the Act of the thirty-eighth Congress to enable the people of Nevada Territory to form a State government, the thirty thousand acres of public lands granted by an Act of Congress, approved July second, A. D. eighteen hundred and sixty-two, for each Senator and Representative in Congress, and all proceeds of lands that have been, or may hereafter be granted or appropriated by the United States to this State, and also the five hundred thousand acres of land granted to the new States under the Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. eighteen hundred and forty-one; *provided*, that Congress make provisions for, or authorizes such diversion to be made for the purpose herein contained, all estates that may escheat to the State, all of such per cent. as may be granted by Congress on the sale of land, all fines collected under the penal laws of the State, all property given or bequeathed to the State for educational purposes, and all proceeds derived from any or all of said sources, shall be, and the same are hereby solemnly pledged for educational purposes, and shall not be transferred to any other fund for other uses; and the interest thereon shall, from time to time, be apportioned among the several counties in proportion to the ascertained numbers of the persons between the ages of six and eighteen years in the different counties, and the Legislature shall provide for the sale of floating land warrants to cover the aforesaid lands, and for the investment of all proceeds derived from any of the above mentioned sources, in United States Bonds, or the bonds of this State; *provided*, that the interest only of the aforesaid proceeds shall be used for educational purposes, and any surplus interest shall be added to the principal sum; *and, provided further*, that such portions of said interest as may be necessary may be appropriated for the support of the State University.

Sale, how made.

Proviso.

University.

SEC. 4. The Legislature shall provide for the establishment of a State University, which shall embrace departments for agriculture, mechanic arts and mining, to be controlled by a Board of Regents, whose duties shall be prescribed by law.

Normal schools.

SEC. 5. The Legislature shall have power to establish normal schools, and such different grades of schools, from the primary department to the University, as in their discretion they may deem necessary, and all professors in said University, or teachers in said schools, of whatever grade, shall be required to take and subscribe to the oath as prescribed in Article Fifteenth, of this Constitution. No professor or teacher who fails to comply with the provisions of any law framed in accordance with the provisions of this section shall be entitled to receive any portion of the public moneys set apart for school purposes.

SEC. 6. The Legislature shall provide a special tax of one ^{Special tax.} half of one mill on the dollar of all taxable property in the State, in addition to the other means provided for the support and maintenance of said University and common schools; *provided*, that at the end of ten years they may reduce said tax to one quarter of one mill on each dollar of taxable property.

SEC. 7. The Governor, Secretary of State, and Superintendent ^{Regents.} of Public Instruction shall, for the first four years, and until their successors are elected and qualified, constitute a Board of Regents, to control and manage the affairs of the University and the funds of the same, under such regulations as may be provided by law. But the Legislature shall, at its regular session next preceding the expiration of the term of office of the said Board of Regents, provide for the election of a new Board of Regents and define their duties.

SEC. 8. The Board of Regents shall, from the interest accruing from the first funds which come under their control, immediately organize and maintain the said mining department in such manner as to make it most effective and useful; *provided*, that all the proceeds of the public lands donated by Act of Congress approved July second, A. D. eighteen hundred and sixty-two, for a College for the benefit of Agriculture, the Mechanic Arts, and including military tactics, shall be invested by the said Board of Regents in a separate fund, to be appropriated exclusively for the benefit of the first-named departments to the University, as set forth in section four above, and the Legislature shall provide that if, through neglect or any other contingency, any portion of the fund so set apart shall be lost or misappropriated, the State of Nevada shall replace said amount so lost or misappropriated in said fund, so that the principal of said fund shall remain forever undiminished. ^{Duties of Regents.}

SEC. 9. No sectarian instruction shall be imparted or tolerated ^{Sectarian-} in any school or University that may be established under this ^{ism pro-} Constitution. ^{hibited.}

ARTICLE XII.

MILITIA.

SECTION 1. The Legislature shall provide by law for organizing and disciplining the militia of this State, for the effectual ^{Organiza-} encouragement of volunteer corps, and the safe keeping of the ^{tion of} public arms. ^{Militia.}

SEC. 2. The Governor shall have power to call out the ^{Power to} militia to execute the laws of the State, or to repress insurrection ^{call out.} or repel invasion.

ARTICLE XIII.

PUBLIC INSTRUCTION.

SECTION 1. Institutions for the benefit of the insane, blind, ^{Benevolent} and deaf and dumb, and such other benevolent institutions as ^{institutions} the public good may require, shall be fostered and supported by ^{to be} fostered.

the State, subject to such regulations as may be prescribed by law.

State
Prison.

SEC. 2. A State Prison shall be established and maintained in such a manner as may be prescribed by law, and provision may be made by law for the establishment and maintenance of a House of Refuge for juvenile offenders.

Counties to
provide for
aged and
infirm.

SEC. 3. The respective counties of the State shall provide, as may be prescribed by law, for those inhabitants who, by reason of age and infirmity, or misfortunes, may have claim upon the sympathy and aid of society.

ARTICLE XIV.

BOUNDARY.

Boundary.

SECTION 1. The boundary of the State of Nevada shall be as follows: Commencing at a point formed by the intersection of the thirty-eighth degree of longitude west from Washington with the thirty-seventh degree of north latitude; thence due west along said thirty-seventh degree of north latitude to the eastern boundary line of the State of California; thence in a northwesterly direction along said eastern boundary line of the State of California to the forty-third degree of longitude west from Washington; thence north along said forty-third degree of west longitude and said eastern boundary line of the State of California to the forty-second degree of north latitude; thence due east along the said forty-second degree of north latitude to a point formed by its intersection with the aforesaid thirty-eighth degree of longitude west from Washington; thence due south down said thirty-eighth degree of west longitude to the place of beginning. And whensoever Congress shall authorize the addition to the Territory or State of Nevada of any portion of the territory on the easterly border of the foregoing defined limits, not exceeding in extent one degree of longitude, the same shall thereupon be embraced within and become a part of this State. *And furthermore provided,* that all such territory lying west of and adjoining the boundary line herein prescribed, which the State of California may relinquish to the Territory or State of Nevada, shall thereupon be embraced within and constitute a part of this State.

Addition
may be
made.

ARTICLE XV.

MISCELLANEOUS PROVISIONS.

Seat of Gov.
ernment.

SECTION 1. The seat of government shall be at Carson City, but no appropriation for the erection or purchase of capitol buildings shall be made during the next three years.

Oath of
office.

SEC. 2. Members of the Legislature and all officers, executive, judicial and ministerial, shall, before they enter upon the duties of their respective offices, take and subscribe to the following oath or affirmation:

"I, ———, do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the

United States, and the Constitution and Government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State Convention or Legislature to the contrary notwithstanding; and further, that I do this with a full determination, pledge and purpose, without any mental reservation or evasion whatsoever. And I do further solemnly swear (or affirm) that I have not fought a duel, nor sent or accepted a challenge to fight a duel, nor been a second to either party, nor in any manner aided or assisted in such duel, nor been knowingly the bearer of such challenge or acceptance, since the adoption of the Constitution of the State of Nevada, and that I will not be so engaged or concerned, directly or indirectly, in or about any such duel during my continuance in office. And further, that I will well and faithfully perform all the duties of the office of ———, on which I am about to enter, (if an oath) ‘so help me God;’ (if an affirmation), ‘under the pains and penalties of perjury.’”

SEC. 3. No person shall be eligible to any office who is not a qualified elector under this Constitution. No person who, while a citizen of this State, has, since the adoption of this Constitution, fought a duel with a deadly weapon, sent or accepted a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this State, or who has acted as second or knowingly conveyed a challenge, or aided or assisted in any manner in fighting a duel, shall be allowed to hold any office of honor, profit or trust, or enjoy the right of suffrage under this Constitution. The Legislature shall provide by law for giving force and effect to this section.

Who not
eligible to
office.

SEC. 4. No perpetuities shall be allowed except for eleemosynary purposes.

SEC. 5. The general election shall be held on the Tuesday next after the first Monday of November.

General
election.

SEC. 6. The aggregate number of members of both branches of the Legislature shall never exceed seventy-five.

Number of
members
restricted.

SEC. 7. All county officers shall hold their offices at the county seat of their respective counties.

Offices,
where held.

SEC. 8. The Legislature shall provide for the speedy publication of all statute laws of a general nature, and such decisions of the Supreme Court as it may deem expedient; and all laws and judicial decisions shall be free for publication by any person; *provided*, that no judgment of the Supreme Court shall take effect and be operative until the opinion of the Court in such case shall be filed with the Clerk of said Court.

Publication
of laws, etc.

SEC. 9. The Legislature may, at any time, provide by law for increasing or diminishing the salaries or compensation of any of the officers whose salary or compensation is fixed in this Constitution; *provided*, no such change of salary or compensation shall apply to any officer during the term for which he may have been elected.

Salaries
may be in-
creased or
diminished.

SEC. 10. All officers whose election or appointment is not otherwise provided for, shall be chosen or appointed as may be prescribed by law.

Officers,
how chosen.

SEC. 11. The tenure of any office not herein provided for, may be declared by law, or when not so declared, such office shall be

Tenure of
office may
be declared.

held during the pleasure of the authority making the appointment; but the Legislature shall not create any office the tenure of which shall be longer than four years, except as herein otherwise provided in this Constitution.

State offices,
where held.

SEC. 12. The Governor, Secretary of State, State Treasurer, State Controller, and Clerk of the Supreme Court, shall keep their respective offices at the seat of government.

Enumera-
tion of in-
habitants
to be taken.

SEC. 13. The enumeration of the inhabitants of this State shall be taken under the direction of the Legislature, if deemed necessary, in A. D. eighteen hundred and sixty-five, A. D. eighteen hundred and sixty-seven, A. D. eighteen hundred and seventy-five, and every ten years thereafter; and these enumerations, together with the census that may be taken under the direction of the Congress of the United States in A. D. eighteen hundred and seventy, and every subsequent ten years, shall serve as the basis of representation in both Houses of the Legislature.

Plurality of
votes to
constitute
choice.

SEC. 14. A plurality of votes given at an election by the people, shall constitute a choice, where not otherwise provided by this Constitution.

ARTICLE XVI.

AMENDMENTS.

Amend-
ment, how
made.

SEC. 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if the same shall be agreed to by a majority of all the members elected by each of the two Houses, such proposed amendment or amendments shall be entered on their respective journals, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if, in the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall become a part of the Constitution.

Revision of
Constitu-
tion.

Convention

SEC. 2. If at any time the Legislature, by a vote of two thirds of the members elected to each House, shall determine that it is necessary to cause a revision of this entire Constitution, they shall recommend to the electors at the next election for members of the Legislature, to vote for or against a Convention; and if it shall appear that a majority of the electors voting at such election shall have voted in favor of calling a Convention, the Legislature shall at its next session provide by law for calling a Convention, to be holden within six months after the passage of such law; and such Convention shall consist of a number of members not less than that of both branches of the Legislature. In determining what is a majority of the electors voting at such election, reference

Majority of
electors.

shall be had to the highest number of votes cast at such election for the candidates for any office or on any question.

ARTICLE XVII.

SCHEDULE.

SECTION 1. That no inconvenience may arise by reason of a change from a Territorial to a permanent State Government, it is declared that all rights, actions, prosecutions, judgments, claims and contracts, as well of individuals as of bodies corporate, including counties, towns and cities, shall continue as if no change had taken place; and all process which may issue under the authority of the Territory of Nevada, previous to its admission into the Union as one of the United States, shall be as valid as if issued in the name of the State of Nevada. Rights, etc., to continue.

SEC. 2. All laws of the Territory of Nevada, in force at the time of the admission of this State, not repugnant to this Constitution, shall remain in force until they expire by their own limitations, or be altered or repealed by the Legislature. Laws to remain in force.

SEC. 3. All fines, penalties and forfeitures accruing to the Territory of Nevada, or to the people of the United States in the Territory of Nevada, shall enure to the State of Nevada. Fines, etc., to inure to the State.

SEC. 4. All recognizances heretofore taken, or which may be taken before the change from a Territorial to a State Government, shall remain valid, and shall pass to, and may be prosecuted in the name of the State; and all bonds executed to the Governor of the Territory, or to any other officer or Court in his or their official capacity, or to the people of the United States in the Territory of Nevada, shall pass to the Governor, or other officer, or Court, and his or their successors in office for the uses therein respectively expressed, and may be sued on and recovery had accordingly; and all property, real, personal, or mixed, and all judgments, bonds, specialties, choses in action, claims and debts of whatsoever description, and all records and public archives of the Territory of Nevada, shall issue to and vest in the State of Nevada, and may be sued for and recovered in the same manner and to the same extent by the State of Nevada, as the same could have been by the Territory of Nevada. Recognizances to remain valid.

All criminal prosecutions and penal actions which may have arisen, or which may arise before the change from a Territorial to a State Government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State. Bonds may be sued on.

All offenses committed against the laws of the Territory of Nevada before the change from a Territorial to a State Government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Nevada with like effect as though such change had not taken place, and all penalties incurred shall remain the same as if this Constitution had not been adopted. All actions at law and suits in equity and other legal proceedings which may be pending in any of the Courts of the Territory of Nevada at the time of the change from a Territorial to a State Government, may be continued and transferred to, and determined by any Property, records, etc., of Territory to vest in State.

Criminal prosecutions.

Offenses committed against laws of Territory.

Actions, etc., to be continued.

Court of the State which shall have jurisdiction of the subject matter thereof. *All actions at law and suits in equity, and all other legal proceedings, which may be pending in any of the Courts of the Territory of Nevada at the time of the change from a Territorial to a State Government, shall be continued and transferred to and may be prosecuted to judgment and execution in any Court of the State which shall have jurisdiction of the subject matter thereof; and all books, papers and records relating to the same shall be transferred in like manner to such Court.*

Salaries of officers.

SEC. 5. For the first term of office succeeding the formation of a State Government the salary of the Governor shall be four thousand dollars per annum; the salary of the Secretary of State shall be three thousand six hundred dollars per annum; the salary of the State Controller shall be three thousand six hundred dollars per annum; the salary of the State Treasurer shall be three thousand six hundred dollars per annum; the salary of the Surveyor-General shall be one thousand dollars per annum; the salary of the Attorney-General shall be two thousand five hundred dollars per annum; the salary of the Superintendent of Public Instruction shall be two thousand dollars per annum; the salary of each Judge of the Supreme Court shall be seven thousand dollars per annum; the salaries of the foregoing officers shall be paid quarterly out of the State Treasury. The pay of State Senators and members of Assembly shall be eight dollars per day for each day of actual service, and forty cents per mile for mileage going to and returning from the place of meeting. No officer mentioned in this section shall receive any fee or perquisites to his own use for the performance of any duty connected with his office, or for the performance of any additional duty imposed upon him by law.

Pay of Senators and Assemblymen.

Officers not to receive perquisites.

Apportionment of Senators and Assemblymen.

SEC. 6. Until otherwise provided by law, the apportionment of Senators and Assemblymen in the different counties shall be as follows, to wit: Storey County, four Senators and twelve Assemblymen; Douglass County, one Senator and two Assemblymen; Esmeralda County, two Senators and four Assemblymen; Humboldt County, two Senators and three Assemblymen; Lander County, two Senators and four Assemblymen; Lyon County, one Senator and three Assemblymen; Lyon and Churchill Counties, one Senator, jointly; Churchill County, one Assemblyman; Nye County, one Senator and one Assemblyman; Ormsby County, two Senators and three Assemblymen; Washoe and Roop Counties, two Senators and three Assemblymen.

Territorial indebtedness assumed.

SEC. 7. All debts and liabilities of the Territory of Nevada, lawfully incurred, and which remain unpaid at the time of the admission of this State into the Union, shall be assumed by and become the debt of the State of Nevada; *provided*, that the assumption of such indebtedness shall not prevent the State from contracting the additional indebtedness, as provided in section three of Article nine of this Constitution.

Term of State officers.

SEC. 8. The term of State officers (except judicial) elected at the first election under this Constitution, shall continue until the Tuesday after the first Monday of January, A. D. eighteen

hundred and sixty-seven, and until the election and qualification of their successors.

SEC. 9. The Senators to be elected at the first election under this Constitution shall draw lots, so that the term of one half of the number, as nearly as may be, shall expire on the day succeeding the general election in A. D. eighteen hundred and sixty-six, and the term of the other half shall expire on the day succeeding the general election in A. D. eighteen hundred and sixty-eight; *provided*, that in drawing lots for all Senatorial terms, the Senatorial representation shall be allotted so that in the counties having two or more Senators, the terms thereof shall be divided, as nearly as may be, between the long and short terms. Term of Senators.

SEC. 10. At the general election in A. D. eighteen hundred and sixty-six, and thereafter, the term of Senators shall be for four years from the day succeeding such general election, and members of Assembly for two years from the day succeeding such general election, and the terms of Senators shall be allotted by the Legislature in long and short terms, as hereinbefore provided, so that one half the number, as nearly as may be, shall be elected every two years. Term of Senators fixed.

SEC. 11. The term of the members of the Assembly elected at the first general election under this Constitution, shall expire on the day succeeding the general election in A. D. eighteen hundred and sixty-five; and the terms of those elected at the general election in A. D. eighteen hundred and sixty-five shall expire on the day succeeding the general election in A. D. eighteen hundred and sixty-six. Term of Assemblymen.

SEC. 12. The first regular session of the Legislature shall commence on the second Monday of December, A. D. eighteen hundred and sixty-four, and the second regular session of the same shall commence on the first Monday of January, A. D. eighteen hundred and sixty-six, and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January, A. D. eighteen hundred and sixty-seven, and the regular sessions of the Legislature shall be held thereafter biennially, commencing on the first Monday of January. Sessions of Legislature.

SEC. 13. All county officers under the laws of the Territory of Nevada, at the time when the Constitution shall take effect, whose offices are not inconsistent with the provisions of this Constitution, shall continue in office until the first Monday of January, A. D. eighteen hundred and sixty-seven, and until their successors are elected and qualified; and all township officers shall continue in office until the expiration of their terms of office, and until their successors are elected and qualified; *provided*, that the Probate Judges of the several counties respectively shall continue in office until the election and qualification of the District Judges of the several counties or Judicial Districts; *and*, *provided further*, that the terms of office of the present county officers of Lander County shall expire on the first Monday of January, A. D. eighteen hundred and sixty-five, except the Probate Judge of said county, whose term of office shall expire upon the first Monday of December, A. D. eighteen hundred and sixty-four, and there shall be an election for county officers of Lander County officers continued in office.
Township officers.
Proviso.
County officers of Lander County.

County at the general election in November, A. D. eighteen hundred and sixty-four, and the officers then elected shall hold office from the first Monday of January, A. D. eighteen hundred and sixty-five, until the first Monday of January, A. D. eighteen hundred and sixty-seven, and until their successors are elected and qualified.

Territorial officers continued in office until time for qualification of State officers.

SEC. 14. The Governor, Secretary, Treasurer, and Superintendent of Public Instruction of the Territory of Nevada, shall each continue to discharge the duties of their respective offices after the admission of this State into the Union, and until the time designated for the qualification of the above named officers to be elected under the State Government; and the Territorial Auditor shall continue to discharge the duties of his said office until the time appointed for the qualification of the State Controller; *provided*, that the said officers shall each receive the salaries and be subject to the restrictions and conditions provided in this Constitution; *and, provided further*, that none of them shall receive to his own use any fees or perquisites for the performance of any duty connected with his office.

Terms of Courts determined.

SEC. 15. The terms of the Supreme Court shall, until provision be made by law, be held at such times as the Judges of the said courts, or a majority of them may appoint. The first terms of the several District Courts, (except as hereinafter mentioned,) shall commence on the first Monday of December, A. D. eighteen hundred and sixty-four. The first term of the District Court in the Fifth Judicial District shall commence on the first Monday of December, A. D. eighteen hundred and sixty-four, in the county of Nye, and shall commence on the first Monday of January, A. D. eighteen hundred and sixty-five in the county of Churchill. The terms of the Fourth Judicial District Court shall, until otherwise provided by law, be held at the county seat of Washoe County, and the first term thereof commence on the first Monday of December, A. D. eighteen hundred and sixty-four.

Salaries of District Judges.

SEC. 16. The Judges of the several District Courts of this State shall be paid as hereinbefore provided, salaries at the following rates per annum: First Judicial District, (each Judge,) six thousand dollars; Second Judicial District, four thousand dollars; Third Judicial District, five thousand dollars; Fourth Judicial District, five thousand dollars; Fifth Judicial District, thirty-six hundred dollars; Sixth Judicial District, four thousand dollars; Seventh Judicial District, six thousand dollars; Eighth Judicial District, thirty-six hundred dollars; Ninth Judicial District, five thousand dollars.

Salary of District Judge may be changed.

SEC. 17. The salary of any Judge in said Judicial Districts may, by law, be altered or changed, subject to the provisions contained in this Constitution.

State officers, when to qualify.

SEC. 18. The Governor, Lieutenant-Governor, Secretary of State, State Treasurer, State Controller, Attorney-General, Surveyor-General, Clerk of the Supreme Court, and Superintendent of Public Instruction, to be elected at the first election under this Constitution, shall each qualify and enter upon the duties of their respective offices on the first Monday of December succeeding their election, and shall continue in office until the first Tuesday after the first Monday of January, A. D. eighteen

hundred and sixty-seven, and until the election and qualification of their successors respectively. Expiration of term.

SEC. 19. The Judges of the Supreme Court and District Judges to be elected at the first election under this Constitution, shall qualify and enter upon the duties of their respective offices on the first Monday of December succeeding their election. Judges, when to qualify.

SEC. 20. All officers of State and District Judges first elected under this Constitution shall be commissioned by the Governor of this territory, which commission shall be countersigned by the Secretary of the same, and shall qualify before entering upon the discharge of their duties, before any officer authorized to administer oaths under the laws of this territory; and also the State Controller and State Treasurer shall each respectively, before they qualify and enter upon the discharge of their duties, execute and deliver to the Secretary of the Territory of Nevada an official bond, made payable to the people of the State of Nevada, in the sum of thirty thousand dollars, to be approved by the Governor of the Territory of Nevada; and shall also execute and deliver to the Secretary of State such other or further official bond or bonds as may be required by law. Officers to be commissioned by the Governor. Controller and Treasurer to execute bond.

SEC. 21. Each county, town, city and incorporated village shall make provision for the support of its own officers, subject to such regulations as may be prescribed by law. Support of county, town, city, and village officers.

SEC. 22. In case the office of any Justice of the Supreme Court, District Judge, or other State officer, shall become vacant before the expiration of the regular term for which he was elected, the vacancy may be filled by appointment by the Governor until it shall be supplied at the next general election, when it shall be filled by election for the residue of the unexpired term. Vacancy in office of Justice of Supreme Court, District Judge, or other State officer, how filled.

SEC. 23. All cases, both civil and criminal, which may be pending and undetermined in the Probate Courts of the several counties at the time when, under the provisions of this Constitution, said Probate Courts are to be abolished, shall be transferred to and determined by the District Courts of such counties respectively. Cases in Probate Courts to be transferred to District Courts.

SEC. 24. For the first three years after the adoption of this Constitution, the Legislature shall not levy a tax for State purposes exceeding one per cent. per annum on the taxable property in the State; *provided*, the Legislature may levy a special tax, not exceeding one fourth of one per cent. per annum, which shall be appropriated to the payment of the indebtedness of the Territory of Nevada, assumed by the State of Nevada, and for that purpose only, until all of said indebtedness is paid. Taxation restricted.

SEC. 25. The county of Roop shall be attached to the county of Washoe for judicial, legislative, revenue and county purposes, until otherwise provided by law. Roop and Washoe counties.

SEC. 26. At the first regular session of the Legislature to convene under the requirements of this Constitution, provision shall be made by law for paying for the publication of six hundred copies of the debates and proceedings of this Convention; in book form, to be disposed of as the Legislature may direct; and the Hon. J. Neely Johnson, President of this Convention, shall contract for, and A. J. Marsh, official reporter of this Convention, under the direction of the President, shall supervise the publica- Provision for publication of debates, etc.

Payment of official reporter. tion of such debates and proceedings. Provision shall be made by law at such first session of the Legislature for the compensation of the official reporter of this Convention, and he shall be paid in coin or its equivalent. He shall receive for his services in reporting the debates and proceedings, fifteen dollars per day during the session of the Convention, and seven and one half dollars additional for each evening session, and thirty cents per folio of one hundred words for preparing the same for publication; and for supervising and indexing such publication, the sum of fifteen dollars per day during the time actually engaged in such service.

Compensation.

ELECTION ORDINANCE.

Election ordinance. WHEREAS, The Enabling Act passed by Congress, and approved March twenty-first, A. D. eighteen hundred and sixty-four, requires that the Convention charged with the duty of framing a Constitution for a State Government, "shall provide by ordinance for submitting said Constitution to the people of the Territory of Nevada for their ratification or rejection," on a certain day prescribed therein, therefore this Convention, organized in pursuance of said Enabling Act, do establish the following

ORDINANCE :

Governor to issue proclamation for submission of Constitution. SECTION 1. The Governor of the territory of Nevada is hereby authorized to issue his proclamation for the submission of this Constitution to the people of said territory for their approval or rejection on the day provided for such submission by Act of Congress; and this Constitution shall be submitted to the qualified electors of said Territory, in the several counties thereof, for their approval or rejection, at the time provided by such Act of Congress; and further, on the first Tuesday after the first Monday of November, A. D. eighteen hundred and sixty-four, there shall be a general election in the several counties of said Territory, for the election of State officers, Supreme and District Judges, Members of the Legislature, Representative in Congress and three Presidential electors.

Qualified voters. SEC. 2. All persons qualified by the laws of said territory to vote for representatives to the General Assembly on the said twenty-first day of March, including those in the army of the United States, both within and beyond the boundaries of said territory, and also all persons who may by the aforesaid laws be qualified to vote on the first Wednesday of September, A. D. eighteen hundred and sixty-four, including those in the aforesaid army of the United States, within and without the boundaries of said Territory, may vote for the adoption or rejection of said Constitution on the day last above named. In voting upon this Constitution, each elector shall deposit in the ballot box a ticket, whereon shall be clearly written or printed "Constitution, Yes," or "Constitution, No," or such other words as shall clearly indicate the intention of the elector.

What officers may be voted for. SEC. 3. All persons qualified by the laws of said territory to vote on the Tuesday after the first Monday of November, A. D. eighteen hundred and sixty-four, including those in the army of

of the United States within and beyond the boundaries of said Territory, may vote on the day last above named, for State officers, Supreme and District Judges, Members of the Legislature, Representative in Congress, and three Presidential Electors to the Electoral College.

SEC. 4. The elections provided in this ordinance shall be holden at such places as shall be designated by the Boards of Commissioners of the several counties in said Territory. The Judges and Inspectors of said elections shall be appointed by said Commissioners, and the said elections shall be conducted in conformity with the existing laws of said Territory in relation to holding the general election. How election to be conducted.

SEC. 5. The Judges and Inspectors of said elections shall carefully count each ballot immediately after said elections, and forthwith make duplicate returns thereof to the clerks of the said County Commissioners of their respective counties, and said clerks within fifteen days after said elections shall transmit an abstract of the votes, including the soldiers' vote as herein provided, given for State officers, Supreme and District Judges, Representative in Congress, and three Presidential Electors, enclosed in an envelope, by the most safe and expeditious conveyance, to the Governor of said Territory, marked "Election Returns." Returns, how made.

SEC. 6. Upon the receipt of said returns, including those of the soldiers' vote, or within twenty days after the election, if said returns be not sooner received, it shall be the duty of the Board of Canvassers, to consist of the Governor, United States District Attorney, and Chief Justice of said Territory, or any two of them, to canvass the returns in the presence of all who may wish to be present, and if a majority of all the votes given upon this Constitution shall be in its favor, the said Governor shall immediately publish an abstract of the same and make proclamation of the fact in some newspaper in said Territory, and certify the same to the President of the United States, together with a copy of the Constitution and Ordinance. The said Board of Canvassers, after canvassing the votes of the said November elections, shall issue certificates of election to such persons as were elected State officers, Judges of the Supreme and District Courts, Representative in Congress, and three Presidential Electors. When the President of the United States shall issue his proclamation declaring this State admitted into the Union on an equal footing with the original States, this Constitution shall thenceforth be ordained and established as the Constitution of the State of Nevada. Board of Canvassers.

SEC. 7. For the purpose of taking the vote of the electors of said Territory who may be in the army of the United States, the Adjutant-General of said Territory shall, on or before the fifth day of August next following, make out a list in alphabetical order, and deliver the same to the Governor, of the names of all the electors, residents of said Territory, who shall be in the army of the United States, stating the number of the regiment, battalion, squadron and battery to which he belongs, and also the county or township of his residence in the said Territory. Governor to publish abstract of votes, and issue proclamation.

Constitution established.

Votes of soldiers, how taken.

Governor
to classify
return lists.

SEC. 8. The Governor shall classify and arrange the aforesaid returned list, and shall make therefrom separate lists of the electors belonging to each regiment, battalion, squadron and battery, from said Territory in the service of the United States, and shall, on or before the fifteenth day of August following, transmit, by mail or otherwise, to the commanding officer of each regiment, battalion, squadron and battery, a list of electors belonging thereto, which said list shall specify the name, residence and rank of each elector, and the company to which he belongs, if to any, and also the county and township to which he belongs, and in which he is entitled to vote.

Time of
holding
election.

Under
whose
direction.

SEC. 9. Between the hours of nine o'clock A. M. and three o'clock P. M., on each of the election days hereinbefore named, a ballot-box or suitable receptacle for votes shall be opened, under the immediate charge and direction of three of the highest officers in command, for the reception of votes from the electors whose names are upon said list, at each place where a regiment, battalion, squadron or battery of soldiers from said Territory, in the army of the United States, may be on that day; at which time and place said electors shall be entitled to vote for all officers for which, by reason of their residence in the several counties in said Territory, they are authorized to vote, as fully as they would be entitled to vote in the several counties or townships in which they reside, and the votes so given by such electors at such time and place, shall be considered, taken and held to have been given by them in the respective counties and townships in which they are resident.

Ballot, what
to contain.

SEC. 10. Each ballot deposited for the adoption or rejection of this Constitution in the army of the United States, shall have distinctly written or printed thereon, "Constitution, Yes," or "Constitution, No," or words of a similar import; and further, for the election of State officers, Supreme and District Judges, Members of the Legislature, Representative in Congress, and three Presidential electors. The name and office of the person voted for shall be plainly written or printed on one piece of paper. The name of each elector voting as aforesaid shall be checked upon the said list at the time of voting by one of the said officers having charge of the ballot-box. The said officers having charge of the election shall count the votes and compare them with the checked list immediately after the closing of the ballot-box.

Officers'
duty.

Returns,
when and
where to be
made.

SEC. 11. All the ballots cast, together with the said voting list checked as aforesaid, shall be immediately sealed up and sent forthwith to the Governor of said Territory, at Carson City, by mail or otherwise, by the commanding officer, who shall also make out and certify duplicate returns of votes given according to the forms hereinafter prescribed, seal up and immediately transmit the same to the said Governor at Carson City, by mail or otherwise, the day following the transmission of the ballots and the voting list herein named. The said commanding officer shall also immediately transmit to the several County Clerks in said Territory an abstract of the votes given at the general election in November for county officers, marked "Election Returns."

SEC. 12. The form of returns of votes to be made by the commanding officer to the Governor and County Clerks of said Territory shall be in substance as follows, to wit:

“Returns of soldiers’ votes in the (here insert the regiment, detachment, battalion, squadron or battery.)

(For first election—on the Constitution):

I, ———, hereby certify that on the first Wednesday of September, A. D. eighteen hundred and sixty-four, the electors belonging to the (here insert the name of the regiment, detachment, battalion, squadron or battery), cast the following number of votes for and against the Constitution for the State of Nevada, viz:

For Constitution—(number of votes written in full and in figures.)

Against Constitution—(number of votes written in full and in figures.)

(Second election—for State and other officers):

I, ———, hereby certify that on the first Tuesday after the first Monday in November, A. D. eighteen hundred and sixty-four, the electors belonging to the (here insert as above) cast the following number of votes for the several officers and persons hereinafter named, viz:

For Governor—(names of persons voted for, number of votes for each person voted for written in full, and also in figures, against the name of each person.)

For Lieutenant-Governor—(names of candidates, number of votes cast for each person voted for written out, and in figures, as above.)

Continue as above until the list is completed.

Attest:

I. A. B.

Commanding officer of the (here insert regiment, detachment, battalion, squadron, or battery, as the case may be.)

SEC. 13. The Governor of this Territory is requested to furnish each commanding officer within and beyond the boundaries of said Territory, proper and sufficient blanks for said returns. Blank returns to be furnished.

SEC. 14. The provisions of this ordinance in regard to the soldiers’ vote shall apply to future elections under this Constitution, and be in full force until the Legislature shall provide by law for taking the votes of citizens of said Territory in the army of the United States. Provisions to apply to future elections.

Done in Convention, at Carson City, the twenty-eighth day of July, in the year of our Lord one thousand eight hundred and

sixty-four, and of the Independence of the United States the eighty-ninth, and signed by the Delegates.

J. NEELY JOHNSON.

President of the Convention, and Delegate from Ormsby County.

WM. M. GILLESPIE, Secretary.

Delegates to Convention.	Henry B. Brady	Delegate from Washoe County.
	F. F. Dunne	Delegate from Humboldt County.
	J. G. McClinton	Delegate from Esmeralda County.
	G. N. Folsom	Delegate from Washoe County.
	F. H. Kennedy	Delegate from Lyon County.
	W. W. Belden	Delegate from Washoe County.
	F. M. Proctor	Delegate from Nye County.
	Albert T. Hawley	Delegate from Douglas County.
	Geo. L. Gibson	Delegate from Ormsby County.
	F. Tagliabue	Delegate from Nye County.
	Wm. Wetherell	Delegate from Esmeralda County.
	Jno. A. Collins	Delegate from Storey County.
	Jas. A. Banks	Delegate from Humboldt County.
	J. S. Crosman	Delegate from Lyon County.
	Sam'l A. Chapin	Delegate from Storey County.
	C. M. Brosnan	Delegate from Storey County.
	John H. Kinkhead	Delegate from Ormsby County.
	Geo. A. Hudson	Delegate from Lyon County.
	Israel Crawford	Delegate from Ormsby County.
	A. J. Lockwood	Delegate from Ormsby County.
	H. G. Parker	Delegate from Lyon County.
	J. H. Warwick	Delegate from Lander County.
	C. E. DeLong	Delegate from Storey County.
	Lloyd Frizell	Delegate from Storey County.
	Geo. A. Nourse	Delegate from Washoe County.
	B. S. Mason	Delegate from Esmeralda County.
	Almon Hovey	Delegate from Storey County.
	Thomas Fitch	Delegate from Storey County.
	J. W. Haines	Delegate from Douglas County.

List of Officers.

LIST OF OFFICERS.

NAMES AND RESIDENCES OF STATE OFFICERS, JUSTICES OF THE
SUPREME COURT, SENATORS, ASSEMBLYMEN, PRESIDING OFFICERS,
AND OFFICERS OF BOTH HOUSES IN OFFICE AT THE TIME OF THE
PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

EXECUTIVE DEPARTMENT.

NAME.	POSITION.	PRESENT RESIDENCE.
L. B. Bradley	Governor	Carson City.
Chas. H. Belknap	Private Secretary	Carson City.
Frank Denver	Lieutenant-Governor	Carson City.
L. A. Buckner	Attorney-General	Carson City.
J. D. Minor	Secretary of State	Carson City.
Charles Martin	Deputy Secretary of State	Carson City.
W. W. Hobart	State Controller	Carson City.
Theo. A. Hale	Deputy State Controller	Carson City.
Jerry Schooling	State Treasurer	Carson City.
M. L. Yager	Deputy State Treasurer	Carson City.
John Day	Surveyor-General	Carson City.
S. H. Day	Deputy Surveyor-General	Carson City.
A. N. Fisher	Superintendent of Public Instruction ..	Dayton.
C. L. Perkins	State Printer	Carson City.
H. B. Whitehill	State Mineralogist	Carson City.
J. J. Linn	State Librarian	Carson City.

JUDICIAL DEPARTMENT.

SUPREME COURT.

NAME.	POSITION.	RESIDENCE.
J. F. Lewis.....	Chief Justice.....	Carson City.
B. C. Whitman.....	Associate Justice.....	Carson City.
John Garber.....	Associate Justice.....	Carson City.
Alfred Helm.....	Clerk.....	Carson City.

LEGISLATIVE DEPARTMENT.

SENATE—OFFICERS.

NAME.	POSITION.	RESIDENCE.
Frank Denver.....	President, <i>ex officio</i>	Carson City.
D. L. Hastings.....	President <i>pro tem</i>	Silver City.
G. B. Allen.....	Chaplain.....	Carson City.
C. F. Bicknell.....	Secretary.....	Hamilton.
F. Butler.....	Assistant Secretary.....	Carson City.
W. D. Mason.....	Minute Clerk.....	Carson City.
N. J. Saviers.....	Journal Clerk.....	Carson City.
Frank Sperling.....	Engrossing Clerk.....	Virginia City.
S. A. Mathews.....	Copying Clerk.....	Virginia City.
M. S. Thompson.....	Sergeant-at-Arms.....	Mill City.
L. D. Noyes.....	Assistant Sergeant-at-Arms.....	Silver City.
Frank Laumeister.....	Messenger.....	Elko.
Llewellyn Meder.....	Page.....	Carson City.
W. H. Lambert.....	Page.....	Gold Hill.

SENATE—MEMBERS.

NAME.	COUNTY.	RESIDENCE.
T. W. Abraham	Esmeralda	Pine Grove.
M. S. Bonnifield	Humboldt	Unionville.
W. M. Boring	Esmeralda	Aurora.
D. H. Brown	Ormsby	Empire.
A. C. Cleveland	White Pine	Hamilton.
Israel Crawford	Ormsby	Carson City.
C. H. Eastman	Washoe	Reno.
L. T. Fox	Storey	Gold Hill.
W. N. Hall	Storey	Gold Hill.
D. L. Hastings	Lyon	Silver City.
E. B. Hazard	Lincoln	Hiko.
J. C. Hazlett	Lyon	Dayton.
Wm. Hill	Churchill	St. Clair's Station.
G. W. Hopkins	Storey	Virginia City.
R. McBeth	Humboldt	Galena.
W. W. McCoy	Lander	Eureka.
G. F. Mills	White Pine	Hamilton.
J. B. Moore	Elko	Ruby Valley.
R. Mullen	Nye	Belmont.
Jas. Phelan	Storey	Virginia City.
T. B. Shamp	Washoe	Franktown.
J. W. Small	Douglas	Genoa.
J. Spencer	Lander	Austin.

ASSEMBLY—OFFICERS.

NAME.	POSITION.	RESIDENCE.
R. E. Lowery	Speaker	Virginia City.
T. J. Tennant	Speaker <i>pro tem.</i>	Hamilton.
G. W. Cassidy	Clerk	Hamilton.
T. W. McGovern	Assistant Clerk	Elko.
J. P. Curtis	Minute Clerk	Virginia City.
J. C. Dorsey	Journal Clerk	Carson City.
W. J. Smith	Engrossing Clerk	Treasure City.
F. M. Proctor	Copying Clerk	Elko.
T. S. Davenport	Copying Clerk	Virginia City.
David Weaver	Sergeant-at-Arms	Unionville.
P. H. Burnham	Assistant Sergeant-at-Arms	Genoa.
J. D. Hammond	Chaplain	Carson City.
John Hobon	Messenger	Virginia City.
Louis Taussig	Page	Virginia City.
Ormsby Musser	Page	Carson City.

ASSEMBLY—MEMBERS.

NAME.	COUNTY.	RESIDENCE.
D. T. Barber	Storey	Gold Hill.
H. H. Beck	Washoe	Washoe City.
Jno. Bowman	Nye	Belmont.
E. L. Buckingham	Storey	Virginia City.
J. A. Burlingame	Ormsby	Carson City.
W. Brown	White Pine	Hamilton.
P. P. Canavan	White Pine	Hamilton.
J. S. Child	Douglas	Genoa.
J. R. Cowen	Ormsby	Carson City.
H. F. Dangberg	Douglas	Genoa.
M. B. Delano	Esmeralda	Silver Peak.
W. C. Dovey	Lyon	Silver City.
J. W. Ellyson	Elko	Carlin.
S. L. Fuller	Lander	Austin.
M. B. Garaghan	Lincoln	Hiko.
J. M. Gray	Churchill	Stillwater.
A. H. Greenhalgh	Nye	Twin River.
Thomas Harris	Humboldt	Unionville.
A. J. Hatch	Washoe	Reno.
A. C. Hay	Storey	Gold Hill.
H. H. Hogan	Washoe	Reno.
T. J. Jones	Lander	Austin.
A. Lawson	Storey	Gold Hill.
A. J. Lockwood	Ormsby	Empire City.
G. W. Likens	Lyon	Dayton.
B. E. Lowery	Storey	Virginia City.
D. F. Manning	Esmeralda	Pine Grove.
J. A. McClellan	Churchill	Wadsworth.
A. M. McLeod	Esmeralda	Pine Grove.
Daniel Murphy	Lander	Austin.
Samuel Owen	Storey	Virginia City.
Jos. Organ	Humboldt	Star.
C. H. Patchen	White Pine	Treasure City.
Henry Piper	Storey	Virginia City.
A. K. Potter	Storey	Gold Hill.
G. W. Rogers	Storey	Gold Hill.
J. F. Roney	Lyon	Dayton.
J. A. Savage	Elko	Mountain City.
C. S. Saville	Storey	Gold Hill.
D. C. Simpson	Esmeralda	Wellington.
R. T. Smith	Storey	Virginia City.
T. J. Tennant	White Pine	Hamilton.
W. A. Trousdale	Humboldt	Paradise.
Jno. Wagner	White Pine	Hamilton.
H. A. Willard	Lander	Eureka.
T. H. Williams	Storey	Virginia City.

L A W S

OF THE

STATE OF NEVADA.

LAWS OF THE STATE OF NEVADA,

PASSED AT THE

FIFTH SESSION OF THE LEGISLATURE, 1870.

CHAPTER I.—*An Act to amend an Act entitled "An Act to create a Board of County Commissioners in the several counties of this State, and Define Their Duties and Powers," approved March 8, 1865.*

[Approved January 11, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eight of said Act is hereby amended so as to read as follows: Powers and jurisdiction of Board.

Section eight. The Board of Commissioners shall have power and jurisdiction in their respective counties: First, To make orders respecting the property of the county in conformity with any law of this State, and to take care of and preserve such property. Second, To examine, settle and allow all accounts legally chargeable against the county in the manner provided in this Act; and to levy for the purposes prescribed by law such amount of taxes on the assessed value of real and personal property in the county as may be authorized by law; *provided*, the salary of the District Judge need not be audited by the Board, but the County Auditor shall, on the first day of each quarter year draw his warrant on the County Treasurer in favor of the District Judge, for the amount due such Judge as salary for the quarter year preceding. Third, To examine and audit the accounts of all officers, having the care, management, collection or disbursement of any money belonging to the county or appropriated by law, or otherwise, for its use and benefit. Same. Fourth, To lay out, control and manage public roads, turnpikes, ferries and bridges within the county, in all cases where the law does not prohibit such jurisdiction, and to make such orders as Same.

Same.

may be necessary and requisite to carry its control and management into effect. Fifth, To take care of and provide for the indigent sick of the county, in such a manner only, as is or may be provided by law. Sixth, To divide the county into townships and to change the divisions of the same, and to create new townships as the convenience of the county may require. Seventh, To establish, change and abolish election precincts, and to appoint inspectors and judges of elections. Eighth, To control and manage the property, real and personal, belonging to the county, and to receive by donation any property for the use and benefit of the county. Ninth, Lease or purchase any real or personal property, necessary for the use of the county; *provided*, no purchase of real property shall be made unless the value of the same be previously appraised and fixed by three disinterested persons to be appointed for that purpose by the District Judge, who shall be sworn to make a true appraisal thereof, according to the best of their knowledge and ability. Tenth, To sell at public auction at the court-house of said county, after at least thirty days previous public notice (in the same manner as required by law for the sale of like property on execution,) and cause to be conveyed any property belonging to the county, appropriating the proceeds of such sale to the use of the same. Eleventh, To cause to be erected and furnished a court-house, jail and such other public buildings as may be necessary, and to keep the same in repair; *provided*, that the contract for building the court-house, jail and other buildings, be let out, after, at least thirty days previous public notice, as provided in sub-division ten of this section, in each case of a readiness to receive proposals therefor, to the lowest bidder who will give good and sufficient security for the completion of any contract which he may make respecting the same. But no bid shall be accepted which the Board may deem too high. Twelfth, To control the prosecution or defence of all suits to which the county is a party; and to offer and allow rewards for the apprehension or conviction of defaulting or absconding county or township officers. Thirteenth, To do and perform all such other acts and things as may be lawful and strictly necessary to the full discharge of the powers and jurisdiction conferred on the Board.

Same.

CHAP. II.—*An Act to provide for the Payment of the Outstanding indebtedness of Treasure City in the county of White Pine.*

[Approved January 23, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Treasurer
prohibited
from paying
warrants.

SECTION 1. From and after the passage of this Act it shall not be lawful for the Treasurer of Treasure City, White Pine County, to pay any warrant or warrants, or orders drawn on the Treasury of said city prior to the passage of this Act, or any indebtedness

of the said city incurred prior to the passage of this Act, except in manner as hereinafter provided.

SEC. 2. The Board of Trustees of said city are hereby required from and after the passage of this Act, to set aside not less than three fourths of all moneys which may come into the Treasury of said city, as a fund for extinguishing the existing debt, and to be known as the Treasury City Redemption Fund. The Treasurer of said city is authorized and directed, without further order or authority from the Board of Trustees, to carry to the account of the fund hereby created, seventy-five per cent. of all revenues, taxes and moneys from whatever source derived, which may come into his hands, and such further amount or proportion of said revenues, taxes and moneys as may be ordered or directed by said Board of Trustees. The moneys belonging in said fund shall be paid out by the Treasurer exclusively for the payment of the existing debt, as hereinafter provided.

Redemption Fund to be created.

Revenues, etc., to be carried to account of Fund.

Moneys, how paid out.

SEC. 3. From and after the passage of this Act, and until the entire existing debt is paid and extinguished, it shall not be lawful for the Board of Trustees of said city, or any officer or persons acting by or under its authority, to issue to any person or persons, any warrant, order or evidence of indebtedness of said city, nor shall it be lawful for the Treasurer of said city to register or pay any such warrant, order or evidence of indebtedness. Whenever there shall be moneys in the Treasury other than those belonging to the said Redemption Fund, the same may be appropriated by the said Board of Trustees for the current expenses of the said city; but no order or appropriation of moneys shall be made, except of moneys actually in said Treasury. A certified copy of the order of appropriation from the Journal of the Proceedings of the Board of Trustees authenticated by the President of said Board, shall be the only form in which money shall be drawn from the said City Treasury, and the only proper voucher on settlement of his accounts.

Trustees, etc., prohibited from issuing or paying evidence of indebtedness.

When money to be appropriated for current expenses.

Money, how drawn from Treasury.

SEC. 4. Whenever, at any time there shall be in the Redemption Fund of said city the sum of five hundred (500) dollars, and as often as said amount of money may accumulate, it shall be the duty of the City Treasurer to give ten (10) days notice by publication in a newspaper published nearest to said city, that sealed proposals, directed to him, will be received for the surrender of city warrants or other legal evidences of indebtedness of said city issued prior to the passage of this Act; and that said proposals will be received by him until the meeting of the Board of Trustees, the time and place whereof shall be particularly stated in said published notice. At the meeting of the Board of Trustees pursuant to said Treasurer's notice the said Treasurer shall open all sealed proposals, and the said Board shall then and there examine all said proposals and accept, to the extent of the moneys in the Redemption Fund, the lowest bids for the surrender of city warrants or legal evidence of indebtedness; but no bid shall be accepted unless accompanied with the warrant proposed to be surrendered.

Duty of City Treasurer.

Proposals for surrender of warrants, etc.

Proposals opened.

Lowest bid to be accepted.

SEC. 5. When any bids are accepted, the Clerk of the Board of Trustees shall take a description of the warrant or legal evidence of indebtedness to be redeemed, specifying the date, number and amount of each, and also the amount to be paid for each

Accepted bids.

of the same, and make a record thereof in the proceedings of the Board. The Board of Trustees shall thereupon, by order entered on the minutes, direct the Treasurer to purchase the warrants or legal evidences of indebtedness designated, and pay for the same out [of] the said Redemption Fund. All warrants or evidences of indebtedness so redeemed shall be canceled by the Treasurer by writing across the face thereof, in red ink the words, "purchased and redeemed," adding thereto the date of such redemption, the amount paid for the same, and signing his name officially. The Treasurer shall keep a separate account of all moneys received into, and paid out of the said Redemption Fund; he shall also, on the margin of the register of city warrants or evidence of indebtedness, kept in his office, write, opposite the entry of registration, the word "purchased," together with the amount paid therefor. In accepting proposals for the surrender of warrants or other evidence of indebtedness, that shall be deemed and regarded as the lowest bid, which offers the largest amount of warrants or evidence of indebtedness in nominal par value for the smallest amount of money. The bids being equal in percentage on the nominal value, preference shall be given to the warrants or evidences of indebtedness of smallest amount, except in case the redemption of such smaller amounts shall interfere with, or prevent the use of the full amount of the fund on hand.

Warrants to be canceled. SEC. 6. Nothing contained in this Act shall be construed to preclude the Board of Trustees of said city, from contesting the validity of any warrant or warrants or evidences of indebtedness issued prior to the passage of this Act upon an unjust or fraudulent claim against the said city, or in any case where the city might have had a good and meritorious defense to the original claim.

Separate account. SEC. 7. No bid for the surrender of indebtedness shall be accepted if for more than the par value of such indebtedness.

Lowest bid. SEC. 8. All Acts or parts of Acts, so far as the same are inconsistent with or repugnant to the provisions of this Act, are hereby repealed.

Preference.

Board not precluded from contesting validity of warrants.

Bid not to be accepted for more than par value.

Acts repealed.

CHAP. III.—*An Act authorizing the Secretary of State to furnish the Printed Public Documents, Statutes and Reports to certain parties therein named.*

[Approved February 2, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Books and documents to be delivered to U.S. judges, etc. SECTION 1. The Secretary of State is hereby authorized and directed to deliver to the United States Circuit Judge for the Ninth Circuit, and to each of the Judges of the United States District Courts for Nevada, California and Oregon, and to the Librarian of the San Francisco Law Library, one full set of the Reports of Decisions of the Supreme Court of Nevada, and one

full set of the Legislative Documents and Statutes of Nevada, including such of the printed documents and statutes of the Territory of Nevada as may be in the State Library for public distribution, and from time to time hereafter, as the same shall be published, to each of said Judges one copy of the Supreme Court Reports and one copy of the Legislative documents and statutes of the State, and to said Librarian two copies of each of said reports, documents and statutes.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. IV.—*An Act to amend an Act entitled “An Act to Consolidate and Pay certain Indebtedness of the County of Ormsby,” approved March 12, 1866.*

[Approved February 4, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section five of the aboveentitled Act is hereby amended so as to read as follows:

Section Five. On the first Monday of the next month after such notice has expired, or on the first day of the next regular meeting of the Board of Commissioners of said county, after said notice has so expired, the Auditor of said county, in the presence of said Board of Commissioners and of the County Treasurer, shall open said sealed proposals, and accept the lowest bids for the surrender of any bonds, warrants or legal claims, payable out of said Redemption Fund of said county, to the full amount of money then in said fund; *provided*, that no bid asking a greater amount than the principal and interest then due upon such bond, warrant or legal claim, shall be considered or accepted; nor shall any proposal be considered or accepted unless it be accompanied by the obligation or obligations of said county proposed to be surrendered; *and, provided further*, that when sealed proposals are opened, as above prescribed, if there be not a sufficient amount of obligations of said county offered, at not exceeding the amount of the principal and interest then due thereon, to exhaust the money then in said Redemption Fund of said county, the Treasurer of said county shall immediately give notice, for ten days, as required for sealed proposals, of the amount of money remaining in said fund, and that the same will be applied to the payment of the then oldest outstanding obligations of said county (specifying them,) payable out of said fund, at par of principal and interest then due thereon; and shall state in such notice that the obligations specified in the notice will, if not presented and paid, cease to bear interest from and after the expiration of said notice; and the money so specified for their payment shall be reserved in the said fund for that purpose, until called for under such notice, provided it be called for within two years; and if not so called for within two years after such notice,

Opening of proposals for surrender of bonds etc.

Lowest bid to be accepted.

Proviso.

Proviso.

Notice of money remaining in fund.

Money to be reserved in fund.

When to be applied to other obligations.
When to be placed in General Fund.

such money shall then be applied to the payment of other obligations of said county, payable out of said Redemption Fund, if there be any such, and if none, then said money shall be placed in the general fund of said county.

CHAP. V.—*An Act to amend an Act entitled "An Act for the Incorporation of Railroad Companies, and the Management of the Affairs thereof, and other matters relating thereto," approved March 22, 1865.*

[Approved February 9, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of the Act of which this is amendatory is amended so as to read as follows:

What articles shall set forth.

Section Two. The said articles of association shall set forth the name of the incorporation, the number of years the same is to continue in existence, which shall not exceed fifty years, the amount of the capital stock of the company, which shall be divided into shares of not exceeding one hundred dollars each, and not less than ten dollars each, as may be fixed in the articles of association, and which shall be the actual contemplated cost of constructing the road, together with the cost of the right of way, motive power, and every other appurtenance and thing, for the completion and running of said road, as nearly as can be estimated by competent engineers; the names and number of the directors to manage the affairs of the company, who shall hold their offices until others are elected, as shall be provided by the by-laws of the company; the place from, and to which, the proposed road is to be constructed, and the counties into and through which it is intended to pass, and its length, as near as may be; each subscriber to such articles of association shall personally subscribe thereto his name, place of residence, and the number of shares of stock taken by him in such company; *provided*, that in case a

When articles may be signed by proxy.

person desirous of becoming a subscriber, but compelled to be absent from the State at the time of subscribing to such articles of association, he having duly paid the ten per cent. required by law upon his subscription, may sign the same by written proxy, or power of attorney, to that effect; and there shall be endorsed or attached to said articles so subscribed, an affidavit made by three directors therein named, setting forth in substance, that said amount of stock has been subscribed, and that ten per cent. in cash, thereon, has actually and in good faith been paid in as aforesaid, and that the subscribers to said articles are all known by one or the other of the said three directors to be subscribers thereto, and to be the persons so represented. Any corporation heretofore formed under the Act of which this is amendatory, desiring to divide the capital stock of the company into shares of a less denomination than one hundred dollars, according to the

Affidavit of amount of stock.

Division of capital stock of corporations heretofore formed.

provisions of this section, may do so by a majority vote of the directors of the company, at any regular or called meeting of the board, and may issue the stock of such company in accordance therewith, after having filed in the office of the Secretary of State a certificate setting forth the amount or denomination, in which they propose to divide such shares, verified by the affidavit of three of such directors. In case the shares of stock of such corporation shall have already been issued, or any portion thereof, of the denomination of one hundred dollars, the holders of the same may at their option surrender their certificates of stock, and receive in lieu thereof the equivalent of the same in certificates of shares of the smaller denominations, so fixed and established by the board of directors.

SEC. 2. Section six of said Act is hereby amended so as to read as follows:

Section Six. Meetings of the stockholders may be called, at any time during the interval between the annual meetings, by the directors, or by any number of stockholders owning not less than ^{Called meetings of stockholders.} one fourth of the stock, by giving fifteen days public notice of the time and place of the meetings; in the manner provided in the next preceding section, for the annual meetings; and when any such meeting is called by the stockholders, the particular object of such meeting shall be stated in such notice, and no other business shall be transacted at such meeting, when so called by the stockholders as aforesaid, except such as shall be so stated in such notice; and if, at any such meeting thus called, a majority in value of the stockholders are not represented, in person or by written proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business; and if, within said three days, stockholders having at least a majority in interest of the stock do not attend and participate in such meeting, then the meeting shall be dissolved. In case the capital stock shall be ascertained to be greater or less than ^{When and how stock may be reduced.} is necessary for completing, operating and maintaining the road, then the capital stock may be reduced or increased by a vote of the holders of the majority of the capital stock to the amount thus required; or the holders of a majority of the capital stock may, by a vote at any annual or called meeting of the stockholders, provided for the return to, or distribution among the stockholders in such manner and according to such plan as they may direct, of any surplus capital or funds that may accrue to the corporation by payments on subscriptions to the capital stock, grants, donations or otherwise, over and above the amount necessary to construct, complete, maintain and equip the road; ^{provided,} that no such division or distribution shall be made, until the road shall be built and equipped, between the extreme points named in the articles of association.

SEC. 3. The Legislature shall, from time to time, when it may deem proper, change the rates of fare and freight of all narrow gauge railroads constructed under the provisions of this Act. ^{Legislature may change fare and freight.}

CHAP. VI.—*An Act for the Relief of C. Lark, Treasurer of Humboldt County.*

[Approved February 13, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Auditor required to draw warrants.

SECTION 1. The County Auditor of Humboldt County is hereby authorized and directed to draw a warrant on the Redemption Fund of said county for three hundred and ninety dollars and seventy-five cents, in favor of C. Lark, County Treasurer, for expenses incurred in making supplemental assessment of said county in the years eighteen hundred and sixty-nine and eighteen hundred and seventy.

CHAP. VII.—*An Act concerning Conveyances executed without the State.*

[Approved February 13, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Acknowledgments, by whom taken out of the State.

SECTION 1. The proof or acknowledgment of every conveyance affecting any real estate taken without this State, but within the United States, shall be taken by some one of the following officers: A Judge or clerk of a court having a seal, or some Notary Public or Justice of the Peace, or by any commissioner appointed by the Governor of this State for that purpose; *provided*, that when the acknowledgment is taken by a Justice of the Peace, the same shall be accompanied with the certificate of the clerk of a Court of Record of the county having a seal as to the official character of the Justice and the authenticity of his signature.

Proviso.

Heretofore taken, record valid.

SEC. 2. All acknowledgments of proofs heretofore taken of the execution of any instrument authorized by law to be recorded, acknowledged or proven, and certified, or which may have been certified in the manner hereinabove provided, the record thereof now or hereafter made shall be valid and of like force and effect as if proven before the officer and certified to in the manner heretofore required by law; *provided*, that nothing herein shall affect any right of a *bona fide* purchaser, or acquired by operation of law, prior to the passage of this Act.

Proviso.

CHAP. VIII.—An Act to Create Legislative Funds.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. For the purpose of paying the salaries of members and attachés of the present Legislature, the mileage of the members and the incidental expenses of the same, the State Treasurer is hereby authorized and required to set apart from the first moneys coming into the General Fund not otherwise specially appropriated, the sum of seventy-three thousand five hundred and eighty dollars in gold coin, which shall constitute a fund to be denominated the State Legislative Fund. Any deficiency that may exist in the "Legislative Fund" of the last session may also be paid out of the "Legislative Fund" hereby created. The State Controller is hereby authorized and required to draw his warrants on said fund in favor of the members and attachés of the present Senate and Assembly for mileage and compensation when duly certified to him in accordance with law; *provided*, said warrants shall bear interest at the rate of ten per cent. per annum from date until paid or advertised for payment as provided in section number five. State Legislative Fund created.

SEC. 2. The State Treasurer is hereby authorized and directed to set apart from the first moneys coming into the "Legislative Fund" not otherwise appropriated, the sum of nine thousand dollars, five thousand dollars of which shall constitute the Contingent Fund of the Assembly, and four thousand dollars the Contingent Fund of the Senate. Contingent funds.

SEC. 3. The said funds shall be under the exclusive control of the Senate and Assembly respectively. Each House may direct the payment of moneys from its own Contingent Fund by resolution, and the Controller of State is authorized and required to draw his warrants in accordance therewith. Said warrants to bear interest at the rate of ten per cent. per annum from date until paid, as provided in section five of this Act. Said amounts are hereby exempted from the operation of an Act entitled "An Act relating to the Board of Examiners, to define their duties and powers, and to impose certain duties on the Controller and Treasurer," approved February seventh, A. D. one thousand eight hundred and sixty-five. Any balance remaining in the "Contingent Fund" created by this Act, upon the adjournment of the Legislature, shall revert to the General Fund. Exclusive control of funds.
Interest.
Exempt from Act relating to Board of Examiners.
Balance remaining to revert to General Fund.

SEC. 4. Any money that may remain in the fund created by this Act, after the payment of all warrants drawn or directed to be drawn upon said fund prior to the adjournment of the Legislature, shall revert to the General Fund. Same.

SEC. 5. The State Treasurer shall number and register in the order of presentation in a book to be provided by him, all the warrants presented to him drawn by the State Controller on the "Legislative Funds" and "Legislative Contingent Funds," and whenever there shall be the sum of five thousand dollars in the hands of the Treasurer, he shall give notice on a bulletin board in his office, setting forth the fact, and that warrants bearing certain Duty of State Treasurer.
Bulletin board.

numbers and date shall be presented for payment, and upon presentation will be paid by him, and said warrants so advertised for payment shall cease bearing interest from the date of said notice.

Act not to
affect salaries
of Judges
of Supreme
Court.

SEC. 6. Nothing contained in this Act shall affect the provisions of an Act entitled "An Act to provide for the payment of the salaries of the Judges of the Supreme Court of the State of Nevada," passed February twenty-first, one thousand eight hundred and sixty-six.

STATE OF NEVADA, CARSON CITY, }
Assembly Chamber, February 9th, 1871. }

This is to certify that Assembly Bill No. 96, entitled "An Act to create Legislative Funds," has this day passed the Assembly, notwithstanding the objections of the Governor, by the following vote: Yeas, 32; nays, 14.

ROBT E. LOWERY,
Speaker of the Assembly.

G. W. CASSIDY, Clerk of Assembly.

STATE OF NEVADA, CARSON CITY, }
Senate Chamber, February 13th, 1871. }

This is to certify that Assembly Bill No. 96, entitled "An Act to create Legislative Funds," has this day passed the Senate, notwithstanding the objections of the Governor, by the following vote: Yeas, 16; nays, 7.

D. L. HASTINGS,
President *pro tem.* of the Senate.

F. BUTLER, Assistant Secretary of the Senate.

CHAP. IX.—*An Act to amend an Act entitled "An Act concerning Compensation of Jurors," approved March 5, 1869.*

[Approved February 15, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

[SECTION 1.] Section one of said Act is hereby amended so as read as follows:

Compensa-
tion of
Jurors.

Section one. Each juror summoned in this State, whether petit or grand juror, unless he be excused by the court from serving on the day he is summoned to attend court shall receive three (3) dollars per day for each and every day he may be in attendance on court, and fifteen cents per mile in traveling to and returning from court, all of which shall be paid out of the County Treasury. The Auditor shall draw his warrant on the Treasurer for the compensation provided in this Act upon certificate of the clerk of the court showing the amount due; *pro-*

vided, that but one mileage during any one term of court shall be allowed; and, *provided further*, that all sums paid such jurors as fees by parties to civil actions shall be deducted from his per diem.

SEC. 2. All Acts and parts of Acts, in conflict with the provisions of this Act, are hereby repealed. Acts repealed.

CHAP. X.—*An Act supplementary to and amendatory of an Act entitled "An Act to amend an Act of the Legislative Assembly of the Territory of Nevada, entitled 'An Act to create Counties and establish the Boundaries thereof,' approved November 25, 1861," approved February 27, 1869.*

[Approved February 15, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of this Act to which this is supplementary to and amendatory of is hereby repealed. Section 2 repealed.

SEC. 2. The County of Churchill is hereby released and discharged from all claims and demands of every kind and nature whatever, arising out of or based on the provisions of said Act to which this is supplementary; and the Treasurer of Humboldt County is hereby authorized and required to return to the Treasurer of Churchill County any and all unpaid warrant or warrants which have been or may be delivered to him in accordance with the provisions of said Act; and the Treasurer of Churchill County is hereby authorized and required to destroy said warrant or warrants in the presence of the Board of County Commissioners of Churchill County. Churchill County released from demands, etc.
Treasurer of Humboldt Co. to return unpaid warrants.

CHAP. XI.—*An Act for the Relief of James Leffingwell, Sheriff of Lander County, in the years 1865 and 1866.*

[Approved February 16, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Auditor of Lander County is hereby authorized and directed, and it is made his special duty from and after the passage of this Act, to draw his warrants in favor of James Leffingwell for the sum of three thousand five hundred dollars on the general fund of said Lander County; which warrants shall bear a legal interest from the date of their issuance; and said warrants shall be in any sum not less than one hundred or more than one thousand dollars. Auditor authorized to draw warrants.
Interest.

Treasurer
to pay war-
rants.

SEC. 2. It is hereby made the duty of the County Treasurer of said Lander County to pay said warrants on their presentation in their regular order of payment at the said Treasurer's office in the county of Lander, State of Nevada, in gold coin.

Acts re-
pealed.

SEC. 3. All Acts or parts of Acts, that are inconsistent with or repugnant to the provisions of this Act, are hereby repealed, so far the same may relate to the county of Lander.

CHAP. XII.—*An Act to legalize certain acts of the Board of County Commissioners of Elko County.*

[Approved February 16, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Acts of
County
Commis-
sioners
legalized.

SECTION 1. Whereas, the Board of County Commissioners of Elko County did, on the thirty-first day of December, A. D. one thousand eight hundred and seventy, borrow of J. N. Williams, the sum of thirty-five hundred dollars, with interest at the rate of two per cent. per month, to supply a deficiency in the allowance made, including the interest drawn, on the building fund of said county, for the year ending December thirty-first, A. D. one thousand eight hundred and seventy; and, whereas, said Board of Commissioners agreed to pay said J. N. Williams said sum and interest out of said building fund, and ordered the County Auditor to draw his warrant for said amount and interest, payable out of said fund as aforesaid; therefore the said acts of the Board of County Commissioners are hereby legalized and made valid.

Auditor re-
quired to
draw war-
rant.

SEC. 2. The Auditor of said county is hereby authorized and required to draw his warrant on the Treasurer of said county in favor of said J. N. Williams, for the sum of thirty-five hundred dollars in coin, payable on the first day of January, one thousand eight hundred and seventy-two, which said warrant shall draw two per cent. per month interest, from the first day of January, one thousand eight hundred and seventy-one, until paid.

Interest.

Treasurer
to pay war-
rants, etc.

SEC. 3. The County Treasurer of said county, shall pay the principal and interest of said warrant out of the building fund; *provided*, in case there shall be no money in said fund, on the first day of January, one thousand eight hundred and seventy-two, then the same shall be paid out of any moneys first coming into the treasury not otherwise specifically set apart.

CHAP. XIII.—*An Act to change the County Seat of the County of Washoe.*

[Approved February 17, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. From and after the third day of April, A. D. one thousand eight hundred and seventy-one, the county seat of Washoe County shall be located at the town of Reno, in said county. County seat to be located at Reno.

SEC. 2. It shall be the duty of all officers of said county, who are required by law to keep their offices at the county seat to remove the same to said town of Reno, on the week next preceding the said third day of April, A. D. one thousand eight hundred and seventy-one. County officers required to remove offices.

SEC. 3. The County Commissioners of said county shall provide for the removal of the archives of said county, and all other movable property belonging to said county, to said town of Reno, and shall have power to sell and convey any real or immovable property situated in Washoe City, belonging to said county, and shall pay the proceeds of such sales into the County Treasury. County Commissioners required to remove archives, etc.

CHAP. XIV.—*An Act to amend an Act entitled "An Act to provide for the Registration of the Names of Electors, and to Prevent Fraud at Elections," approved March 5, 1869.*

[Approved February 17, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three of the Act of which this Act is amendatory is hereby amended to read as follows:

Section Three. It shall be the duty of the Registry Agents, at any time when called on to do so, between the hours of ten A. M. and six P. M. on all legal days, from and after the first day of July, and prior to the twenty-first day of October, prior to any general election, and for twenty days prior to closing the register (which shall close ten days prior to the day of election), for any special or municipal election provided for by law, to receive and register the names of all persons legally qualified and entitled to vote at such election, or who will have legally acquired a residence (being otherwise qualified), and right to vote at such ensuing election according to the provisions of law, under which such election may be held, in each election district within their respective townships; entering on the official register under the proper heading, the number and date of registry, the name (with the Duty of Registry Agents.

first or given name in full if practicable); the age and nativity of the elector, together with the number of the ward or name of precinct, and a particular description of the house, building or room in which the elector resides; such as will enable the officer or person desiring to serve notice of objection to vote, to find the same without difficulty; and when the person so registered shall be of foreign birth, the fact of the exhibition of or failure to exhibit his certificate of naturalization, shall be noted in the column provided for that purpose, which list, properly entered as in this section required, shall be known as the "Official Register" of elections of their respective township; *provided*, that for ten days next preceding the day set for closing the registry before any election mentioned in this act, said Registry Agents shall also be in attendance at their respective offices, and ready to register the names of applicants, at any time between the hours of seven and nine o'clock P. M., in addition to the hours heretofore required in this section; *and, provided further*, that if any person shall fail or refuse to give his residence, with the particularity required in this section, he shall not be registered.

CHAP. XV.—*An Act to provide for the Payment of certain Indebtedness of Humboldt County.*

[Approved February 17, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Auditor required to draw warrants, etc.

SECTION 1. The Auditor of Humboldt County is hereby authorized and required to draw his warrant on the Treasurer of said county in favor of the owner and holder of any order or orders heretofore issued under the provisions of section five hundred and forty-four of the Criminal Practice Act, of one thousand eight hundred and sixty-one, by the District Court of the Fifth Judicial District, Nevada, or by the Judge thereof.

Owner to surrender orders.

SEC. 2. Before the issuance of any such warrant the owner and holder of any such orders shall surrender the same to the Auditor, who shall write across the face thereof, "Canceled by Warrant," and sign the same officially. The Auditor shall file such order or orders in his office.

Warrant to be drawn for amount, principal and interest of orders.

SEC. 3. The Auditor shall draw his warrant as aforesaid for the amount of principal and interest of the order or orders. The interest shall be computed from the date of such order or orders, and at the rate of ten per cent. per annum; *provided*, all such warrants drawn as aforesaid shall be payable only out of the redemption fund of said county.

Act not to apply to certain orders.

SEC. 4. This Act shall not apply to any order or orders issued by the court subsequent to February 12, 1869.

CHAP. XVI.—*An Act requiring State Officers to prepare and transmit to the Legislature Duplicates of all Reports intended for Publication.*

[Approved February 17, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. It is hereby made the duty of all State officers who are now required by law to make either annual or biennial reports to prepare and transmit the same, plainly written, duplicate copies of said reports for the use and benefit of the State Printer. Duplicate copies of reports to be prepared etc.

SEC. 2. Each State officer shall be allowed fifteen cents per folio of one hundred words as a compensation for preparing a duplicate of his report, as provided for in this Act; and all moneys due for said work shall be drawn in equal proportions from the contingent funds of the Senate and Assembly, by resolution, upon the certificate of the officer having the duplicate report prepared. Compensation for preparing copies.

CHAP. XVII.—*An Act supplementary to an Act entitled "An Act to provide for the Selection and Sale of the Lands granted by the United States to the State of Nevada," approved April 2, 1867, and providing for the Payment of the Claim of Britton and Gray.*

[Approved February 20, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. That the Board of Regents are hereby authorized and required to appoint an agent or agents who shall be duly authorized to represent the State of Nevada, before the General Land Office and Department of the Interior at Washington, D. C.; and whose duty it shall be to attend to the certification of lands selected in satisfaction of the grants made by Congress to said State, and to represent the said State in all matters growing out of the adjustment and settlement of said grants. The said Board of Regents shall fix the compensation of the said agent or agents at a sum not exceeding one thousand dollars per annum; and the amount so fixed shall be paid annually out of any moneys in the State Treasury not otherwise appropriated, upon bills to be certified and approved by the Board of Examiners; in payment of which the Controller of State shall draw his warrant upon the Treasurer of State. Agent to be appointed to represent Nevada at Washington. Agent. Compensation.

SEC. 2. That there be and hereby is appropriated out of any moneys in the "State School Land Fund," not otherwise appropriated, the sum of five thousand two hundred and fifty dollars, Appropriation to pay Britton & Gray.

Controller
to draw
warrant.

in payment of the claim of Britton and Gray, of Washington, D. C., when approved by the Board of Examiners, for services performed by them as agents and attorneys of the State of Nevada, under authority issued to them by the Board of Regents, under date of July twenty-second, one thousand eight hundred and sixty-seven; and the Controller of State is hereby directed and required to draw his warrant on the Treasurer of State, in favor of said Britton and Gray, for the amount herein appropriated, or such amount as may be found due by the Board of Examiners, not to exceed that sum, which amount shall be in full payment of all claim and demand of the said Britton and Gray against the said State of Nevada, accruing prior to the approval of this Act.

CHAP. XVIII.—*An Act to promote the introduction and use of Steam Power for Transportation Purposes on common roads in the State.*

[Approved February 21, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Corpora-
tions, for-
mation of.

SECTION 1. Whenever it may be desired by three or more persons to form an association or incorporation for the purpose of introducing and maintaining in this State steam traction wagons or locomotives, for common roads, for the purpose of transporting freight and passengers on such roads, such persons, their associates or assigns, are hereby authorized to form themselves into such association or incorporation under and pursuant to the provisions of an Act entitled "An Act to provide for the formation of corporations for certain purposes," approved March tenth, one thousand eight hundred and sixty-five, and of the several Acts amendatory thereto. Such association or incorporation shall be subject to all the restrictions, and shall derive and may profit by all the privileges and benefits contained in said aforementioned Act.

Authorized
to locate,
etc., roads.

SEC. 2. Such association or incorporation in order to fully carry out its object, viz: the introduction and actual maintenance of lines of steam traction wagons or locomotives on roads of this State, are hereby expressly authorized to locate, survey, construct, maintain and own for their exclusive use, roads or highways, which shall include bridges over intervening streams, and all necessary grounds and property real and personal required for the purposes above mentioned, between points which shall be specified and designated as follows: Whenever any such association or incorporation may desire to build a road for the exclusive use of steam traction wagons between any two or more points or towns in this State, such association or incorporation shall file a plat of the proposed road in the office of the County Recorder of the county or counties within or through which such road is proposed to be located; and shall also file a copy of

Plat to be
filed.

the general articles of association of the company; and the record of such plat and articles of association shall give constructive notice to all persons of the matters therein contained; which record and notice shall confer upon the company so filing, the exclusive right to the route designated and shown in the plat, unless said company fails to commence the construction of said road prior to the expiration of the limit of ninety days as hereinafter provided. The work of construction of said road must be commenced within ninety days from and after the filing of said plat. The association or incorporation proposing to construct roads, under this Act, are hereby authorized to enter upon private lands for the purpose above specified, and to lay all their roads not exceeding one hundred and fifty feet in width, together with such lands as may be necessary for water, fuel, transfers, passenger and freight stations, and to cross any other road or highway; and if said lands cannot be obtained by the consent of the owner or owners thereof, then such association or incorporation is hereby required in order to obtain such lands to take the course prescribed and set forth in section three of "An Act to provide for constructing or maintaining toll-roads and bridges in the State of Nevada," approved March eighth, one thousand eight hundred and sixty-five.

Copy of
general
articles
to be filed.

When work
to be com-
menced.

Authorized
to enter
upon pri-
vate lands,
etc.

Lands, how
obtained.

SEC. 3. Such incorporations or associations are hereby authorized to combine, consolidate or contract with, or purchase any toll-road which is or may be formed under the laws of this State, for the purpose of making use in whole or in part of such toll-road for the purposes hereinbefore mentioned; *provided*, that in case any such association or incorporation shall purchase any toll-road as herein provided, the traveling public making use of said road prior to such purchase shall not be debarred the use of said road in consequence of such purchase; *and, provided further*, that all companies operating under this Act, that may effect any purchase of any toll-road now built or hereafter built, shall, in making use of said toll-road for the purposes hereinbefore mentioned, run said steam wagons as near as may be in conformity with a schedule or time table, which must be regularly published for the benefit of the public; *and, provided further*, that the road now used as the main thoroughfare between Virginia City and Truckee Meadows shall not be used by said steam wagons for the purpose of transporting freight or passengers, except by special act of the Legislature; *and, provided further*, that no toll-road shall be used for the purposes herein specified except the Board of Commissioners of the county in which the same may be located, first certify by public ordinance that such use will not seriously interfere with its use by the public.

Authorized
to purchase,
etc., toll
roads.

Proviso.

Proviso.

Proviso.

Proviso.

SEC. 4. Chinese labor shall not be employed on said road or roads in constructing the same, or after it, or their completion in any manner whatever, under the penalty of forfeiture of the right of way, by the corporations or associations or persons owning the said road or roads, to the State of Nevada.

Chinese
labor
prohibited.

CHAP. XIX.—*An Act to provide for the Removal of the County Seat of Lincoln County by the qualified electors of said County.*

[Approved February 21, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Commissioners authorized to order election.

SECTION 1. Within ten days after the passage of this Act, the Board of County Commissioners of Lincoln County, are hereby authorized and required, to order an election to be held in said county, on a day not exceeding fifty-one days from the date of said order, giving thirty days notice thereof, in some newspaper published in said county, or by posting written or printed notices at the several voting precincts in said county. Such notices shall state the time and place of holding such election, and shall further state that the purpose for which such election is held, is to determine the question of the removal of the county seat of said Lincoln County.

What notice shall state.

Ballots, how written or printed.

SEC. 2. Each elector voting for the removal of the county seat, shall have written or printed on his ballot, the words "For Removal," also the name of the place at which he desires the county seat to be located; and each person voting against the removal of the county seat, shall have written or printed on his ballot, the words "Against Removal."

Canvass of vote.

SEC. 3. The Board of Commissioners of said Lincoln County, shall meet on the second Monday following said election and proceed to canvass the vote, and the place having received the majority of all the legal votes cast at such election, shall be declared by them to be the county seat of the said county of Lincoln; provided, no one of the places voted for receive a majority of all the legal votes cast, there shall be held a second election for said county seat, on the second Thursday thereafter; at which second election, the balloting shall be confined to the two places having the highest number of votes, as provided for in this Act; but, if on canvass and return of the votes cast at the first election provided for in this Act, it appears that a majority of all the legal votes cast in said county are against removal, an entry shall be made on the records of the Board of County Commissioners of said county of Lincoln and no further proceedings shall be had under the provisions of this Act.

When archives, etc., to be removed.

SEC. 4. Should the county seat of Lincoln County, be removed at any election held under the provisions of this Act, the Board of County Commissioners of said county of Lincoln, shall cause the archives, county records, books, maps, papers, furniture and all other public property of said county to be removed to the place selected as the county seat of said county, within ten days after the entry shall have been made upon the records of the Board of County Commissioners declaring such place the county seat, as in the Act provided.

Elections, how conducted.

SEC. 5. The elections provided for in this Act, shall be conducted in all respects as provided for by the general election laws of this State.

CHAP. XX.—*An Act to pay A. C. Ellis for Legal Services rendered and to be rendered in the cause of the State of Nevada, against Henry A. Rhoades, Administrator of the estate of Eben Rhoades, late State Treasurer, and the bondsmen of said Eben Rhoades.*

[Approved February 21, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. Upon the filing of a written agreement by A. C. Ellis, with the Secretary of State, to the effect that he, the said Ellis, will prosecute the case of the State of Nevada, against Henry A. Rhoades, Administrator of the estate of Eben Rhoades, deceased, late State Treasurer, and the bondsmen of said Treasurer, until its final termination, and release and relinquish all rights to the claim of one thousand dollars allowed by the State Board of Examiners, July sixth, one thousand eight hundred and seventy; the Controller of State is hereby authorized and directed to draw his warrant upon the Treasurer of State, in favor of A. C. Ellis, for the sum of two thousand five hundred dollars, and the Treasurer is hereby directed to pay the same out of any money in the General Fund not otherwise specifically appropriated.

To file agreement.
Controller to draw warrant.
Treasurer to pay out of general fund.

SEC. 2. The sum of two thousand five hundred dollars, is hereby appropriated for the payment of said warrant, out of any moneys not otherwise specifically appropriated.

Appropriation.

CHAP. XXI.—*An Act to amend an Act entitled "An Act for the Incorporation of Railroad Companies and the Management of the Affairs thereof, and other matters relating thereto," approved March 22, 1865.*

[Approved February 21, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section fifty-seven of the Act of which this is amendatory, is hereby amended so as to read as follows:

Section Fifty-seven. All railroads built by companies incorporated under the provisions of this Act, shall be constructed with the best quality of iron rail known [as] T rail, and H rail, or other patterns of equal utility; *provided*, the provisions of this section shall neither apply to track laid down in streets of incorporate cities or towns, nor other railroads operated by animal power.

Kind of rail to be used in construction.
Proviso.

SEC. 2. Section two of an Act entitled "An Act to amend an Act entitled 'An Act to provide for the Incorporation of Railroad Companies and the Management of the Affairs thereof, and

Acts repealed.

other matters relating thereto,' approved March 22, 1865," approved March 9, 1866, and an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled an Act to provide for the Incorporation of Railroad Companies and the Management of the Affairs thereof, and other matters relating thereto,' approved March 22, 1865," approved March 9, 1866," approved February 16, 1869, are hereby repealed.

CHAP. XXII.—*An Act to provide for the Safe Keeping of the Securities of the State School Fund.*

[Approved February 21, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Treasurer
to be cus-
todian of
securities.

SECTION 1. From and after the passage of this Act, the State Treasurer shall be the legal custodian of all State and National securities in which the moneys of the State (irreducible) School Fund of the State of Nevada, are or may hereafter be invested, and for their safe keeping he shall be liable on his official bond.

Board of
Education
required to
pass over
securities,
etc.

SEC. 2. The State Board of Education shall immediately pass over to the State Treasurer, all moneys and securities now in their custody, taking from him duplicate receipts therefor; one of which they shall file with the Controller of State, who shall thereupon charge the same to the State Treasurer.

Payment of
coupons.

SEC. 3. When due (after procuring the Controller's warrant for the amount thereof,) the State Treasurer shall, in the presence of the State Board of Education, or a majority of the same, cut off and pay the coupon on such State securities as may be in said fund, and place the moneys so paid in the general (distributing) School Fund of the State, and keep a correct account thereof on his books.

Quarterly
notice to
Board of
amount
money in
school fund.

SEC. 4. It is hereby made the duty of the State Controller quarterly, to notify the State Board of Education of the amount of money in the State School Fund; and whenever there shall be a sum in said fund sufficient for investment, said Board shall direct the State Treasurer to negotiate for investment of the same in United States securities, or in bonds of this State, at the lowest purchasable rates, and the Board shall then draw their order upon the State Controller in favor of the State Treasurer for the amount to be invested. Said Controller shall thereupon draw his warrant as directed, and the State Treasurer shall complete the purchase of the securities negotiated for by him in pursuance of this Act.

Investment
of fund.

CHAP. XXIII.—*An Act to encourage the construction of a Railroad in the eastern portion of the State of Nevada.*

[Approved February 21, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. The "Eastern Nevada Railroad Company," a company heretofore organized and created, and now existing under and by virtue of the laws of the State of Nevada, is hereby given and granted the right, privilege and franchise of building, constructing, maintaining and operating a narrow gauge railroad, with iron rails, between the town of Elko, in the county of Elko, and the city of Hamilton, in the county of White Pine; the gauge whereof shall be of a width not more than forty-two nor less than thirty inches, and the grade thereof shall not exceed one hundred and twenty feet to the mile; and the said company is hereby vested with, and shall have and enjoy all and singular the rights, privileges and franchises conferred upon railroad companies incorporated in this State, by the provisions of an Act entitled "An Act to provide for the incorporation of Railroad Companies and the management of the affairs thereof, and other matters relating thereto," approved March 22, 1865, and the acts amendatory thereof.

Franchise granted.

SEC. 2. The Board of County Commissioners of the counties of Elko and White Pine, in this State, are hereby authorized, empowered and directed, to prepare and issue the bonds of their respective counties upon the conditions and pursuant to the provisions hereinafter enacted; which said bonds when so issued shall be delivered to the said Eastern Nevada Railroad Company, for its benefit; *provided*, that no Chinese or Mongolians shall be employed in the construction or maintaining of said road, and such employment of Chinese laborers shall work a forfeiture of the franchise, subsidies and all rights hereby granted.

Commissioners authorized to issue bonds.

Proviso.

SEC. 3. Whenever the said "Eastern Nevada Railroad Company" shall present to the Board of County Commissioners of either of said counties, a petition signed by the owners or the agents, or representatives of the owners, of more than two thirds of the taxable property of such county, as appears by the assessment roll thereof, for the year eighteen hundred and seventy, or seventy-one, and by more than two thirds in number of the tax-payers of such county, as shown by said assessment roll, which petition shall state that it is the desire of the signers thereof, that the bonds of said county should be issued to the said "Eastern Nevada Railroad Company," in an amount to be in said petition named; which amount shall not exceed one tenth of the aggregate value of the taxable property of said county, as shown by said assessment roll, then and thereafter it shall be the duty of the Board of County Commissioners of such county, and such Board is hereby empowered and directed, to prepare and issue bonds of such county, in the amount named in said petition, as hereinafter provided; *provided*, that the bonds issued by the said county of Elko shall not exceed in amount one hundred and fifty

Bonds to be issued on petition of taxpayers, etc.

Proviso.

thousand dollars, and the bonds issued by the said county of White Pine shall not exceed in amount two hundred thousand dollars; *and, provided further*, when the Chairman of the Board of Commissioners of either Elko or White Pine counties shall receive the petitions hereinbefore in this Act provided, he shall forthwith, or within three days thereafter, call a meeting of said Board, at which meeting said petition shall be carefully examined with the county assessment rolls, and if the said Commissioners shall be satisfied that the names signed to such petition are genuine, and actually represent two thirds of the taxable property of the county, and two thirds of the number of tax-payers of said county, they, the said Commissioners, shall, and it shall be their duty to issue, and publish an ordinance, which shall recite such facts, and shall assert and guarantee, that in conformity with the provisions of this Act, the amount of bonds named in said petition will be issued, subject to the conditions and restrictions provided by this Act.

When
Chairman of
Board to
call meet-
ing, etc.

Ordinance.

When bonds
to be
issued.

Proviso.

Proviso.

Amount of
bonds.

SEC. 4. Whenever the said "Eastern Nevada Railroad Company" shall have graded, laid the ties and a good quality of iron rails, known as T or H rails, or other rails of equal utility, completed and prepared ready for reception of the rolling stock, ten miles of said road, upon the line of said railroad, from the said town of Elko to the said city of Hamilton, and such fact shall appear to the said Board of County Commissioners, by the affidavit of the engineer of the said railroad company and by the personal examination of said Commissioners, and the petition mentioned in section three of this Act shall have been presented to the Board of County Commissioners of such county, then the said Board of County Commissioners shall prepare and issue and deliver to the said company, bonds of said county, in an amount which shall bear the same proportion to the whole amount of bonds to be issued as specified in said petition, as the said ten miles of railroad bears to the whole length of road proposed to be constructed in said county, as shown by the survey thereof; and thereafter upon the completion of the said road ready for the rolling stock, as hereinbefore provided, in such county, of each succeeding and continuous ten miles of the said road, a like amount of the said bonds shall be prepared, issued and delivered, until upon the completion of the last section of ten miles, or less, in said county, when, and at which time, the whole amount of the said bonds remaining unissued shall be issued and delivered to said company; *provided*, that no bonds for the county of Elko shall be issued to said railroad company, except upon completed sections of ten miles of said road, as hereinbefore provided; which grading shall commence at the town of Elko and continue successively until the boundary of White Pine County shall be reached, and thereafter upon completed sections, as hereinbefore provided, the bonds of said county of White Pine shall be issued; *and, provided further*, that the whole distance for which bonds have been issued shall, at the time of each subsequent application for the issuance of bonds, be completed ready for the rolling stock, as hereinbefore provided.

SEC. 5. The said bonds shall be of such amount as shall be deemed most salable and convenient; but no bonds shall be of less amount than one hundred dollars, and none for a greater

amount than one thousand dollars. Said bonds shall be printed with interest coupons attached thereto; shall express on the face of both bonds and coupons that they are payable in United States gold coin; shall bear interest at the rate of seven (7) per cent. per annum, payable semi-annually. The bonds shall be payable to bearer at the office of the County Treasurer of said county in twenty years from their date. The bonds shall be prepared in proper form under the directions of the Board, and shall be signed by the President or Chairman of the Board and County Treasurer, and countersigned by the clerk, who shall attach thereto the county seal. The coupons for semi-annual interest, consecutively numbered, shall be signed by the Treasurer of the county.

Coupons.

When and how payable, and prepared.

SEC. 6. Immediately after being notified by the company of the fulfilment of the conditions upon which any set of said bonds are to issue, as above stated, the Board of County Commissioners shall proceed to satisfy themselves, by personal inspection of the fact, of the performance of said conditions; and on being so satisfied shall, without delay, prepare, issue and deliver the bonds as above directed.

When to be delivered, etc.

SEC. 7. From and after the issuance of said bonds, or any set thereof, the Board of County Commissioners of the county shall annually, at the same time, and in the same manner as other county taxes are levied, levy a special county tax sufficient in amount to pay the semi-annual interest upon said bonds, and after the fifth year from their issuance, an amount sufficient to pay in addition to the interest one fifteenth part of the principal of the whole amount of said bonds.

Special tax to be levied.

SEC. 8. The proceeds of said tax shall be placed by the County Treasurer of each of said counties in a separate fund, to be known as "The Railroad Interest and Sinking Fund," and shall be applied exclusively, first, to the payment of the interest on said bonds as the same shall become due; and second, to the redemption of said bonds in the manner specified in the next section.

Proceeds of tax, how applied.

SEC. 9. Whenever after the fifth year from the issuance of said bonds, all interest due upon said bonds shall have been fully paid, and there shall be in said fund a surplus of five thousand dollars, or upwards, which, upon a fair estimate of the receipts which will probably come into the same, will not be needed for the payment of the future interest to accrue within the next succeeding twelve months, the Board of Commissioners, after having ascertained the amount of said surplus, shall insert an advertisement in at least one newspaper published or circulated in such county, for the period of not less than two weeks, stating the amount of money on hand to be applied to the purchase of said bonds, and inviting sealed proposals to surrender the same, to be made and filed with the clerk of said Board, on or before a day certain therein named. At the next meeting after said day, the Board shall open such sealed proposals as shall have been filed on or before the day fixed in the advertisement, and to the extent of the amount named shall purchase the bonds so offered, giving the preference in all cases to the bidder who shall offer to surrender said bonds at the lowest price; *provided*, that no offer shall be accepted for more than the par value of said bonds.

Surplus in fund, advertisement to be made for purchase of bonds.

Proposals for surrender of bonds.

Privileges,
how
secured.

SEC. 10. The said "Eastern Nevada Railroad Company" shall, in order to secure the privileges herein specified, within six months after the approval of this Act, complete a locating survey of said route, and commence the grading of their road, and shall within two years after the completion of said survey, complete, finish and equip the entire road between said points, viz.: From Elko, in Elko county, to Hamilton, in White Pine county.

SEC. 11. The faith of the State of Nevada is hereby pledged that this Act shall not be repealed, or so modified as in any way to impair the security of those who shall hold or purchase any of the bonds herein provided for.

CHAP. XXIV.—*An Act relating to Accounts against the State.*

[Approved February 23, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Duplicate
claims to be
filed with
Board of
Examiners.
Acts
repealed.

SECTION 1. The State Printer, and all other persons having claims against the State, shall file with the State Board of Examiners an itemized duplicate of their accounts.

SEC. 2. Chapter fifty-eight of the laws of Nevada, approved February twenty-seventh, one thousand eight hundred and sixty-six, entitled "An Act relating to accounts against the State," and all other Acts, or parts of Acts, in conflict with this Act, are hereby repealed.

CHAP. XXV.—*An Act to consolidate and fund the Indebtedness of Elko County.*

[Approved February 23, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Funding
Commissioners.

SECTION 1. In order to consolidate and fund the entire indebtedness of the county of Elko, for which warrants have been issued, and place all of its financial transactions upon a cash basis, the chairman of the Board of County Commissioners, the Auditor and County Treasurer of said county, and their successors in office shall constitute and are hereby created a Board of Commissioners, to be known and styled as the Funding Commissioners of the county of Elko, of the State of Nevada, and shall have and exercise the powers hereinafter provided.

Bonds to be
prepared.

SEC. 2. It shall be the duty of said Funding Commissioners to cause to be prepared bonds equal to the present county indebtedness, together with all the indebtedness that shall have accrued

for which warrants have, or may be issued before the first day of March, A. D. one thousand eight hundred and seventy-one. Said bonds shall be of the denomination of one hundred, three hundred, and five hundred dollars each, and each and every bond purport in substance that the county of Elko, State of Nevada, owes the holder thereof a sum to be expressed therein, bearing interest at the rate of ten per cent. per annum from the first day of March, A. D. one thousand eight hundred and seventy-one, the interest to be paid upon presentation at the office of the County Treasurer on the first day of January, A. D. one thousand eight hundred and seventy-two, and on the first day of January annually thereafter, until said bonds are paid and liquidated. Said bonds shall be due and payable in gold coin at the office of the County Treasurer of said county of Elko, on or before the first day of January, one thousand eight hundred and eighty-one. Said bonds shall be signed by the Chairman of the Board of County Commissioners of said county, and countersigned by the County Auditor, and indorsed by the County Treasurer, and shall have the seal of the county annexed thereto.

Denomina-
tion and
purport.

When due
and pay-
able.

How signed,
etc.

SEC. 3. It shall be the duty of said Funding Commissioners to keep an account of the number, denomination and amount of all bonds signed by them in accordance with the provisions of this Act; and it shall be the duty of said Commissioners to examine all warrants presented for funding, and ascertain if they are the true and correct ones issued according to the County Treasurer's and Auditor's books; corresponding to the entries therein; and no others than those found to be true and lawful ones against the county of Elko, shall be funded.

Duty of
commis-
sioners.

SEC. 4. It shall be the duty of the Auditor and Treasurer each to keep a separate record of all such bonds as may be issued in accordance with this Act; showing the number, date and amount, and to whom issued, together with the coupons that may be issued.

Auditor and
Treasurer to
keep a sepa-
rate account

SEC. 5. Coupons for the interest shall be annexed to each bond; said coupons shall be numbered and shall express the amount of interest due at the respective periods herein named, and shall be signed by the Chairman of the Board of County Commissioners and County Treasurer. When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons for the interest then due and paid, and deliver the same to the County Auditor, taking his receipt therefor, whose duty it shall be to file the same in his office.

Coupons.

SEC. 6. All persons having any warrants of the county of Elko, payable on or before the first day of March, one thousand eight hundred and seventy-one, whether in warrants drawn upon the Treasurer, or accounts audited and allowed by the Board of County Commissioners, before the first day of March, one thousand eight hundred and seventy-one, shall be entitled to fund the same by virtue of this Act; *provided*, that for any fractional sum less than the amount of the bonds authorized to be issued by this Act, said Commissioners shall issue to the holder of the county warrant, or such other evidences of indebtedness as may have been audited or allowed by the Board of County Commissioners, a certificate of such fractional sum, and upon presentation of the

Warrants,
etc., may be
funded.

Proviso.
Fractional
sums.

same to the County Auditor, he shall draw a warrant upon the County Treasurer for the amount so certified; and said warrant thus drawn must be presented to the Treasurer of said county within eight months after the first day of March, one thousand eight hundred and seventy-one. And said warrants shall be payable in coin, in their regular order of payment, according to the number and date thereof.

Warrants redeemed to be canceled, etc. SEC. 7. Whenever any bonds shall have been paid and redeemed by the County Treasurer, he shall mark the same canceled, over his signature as Treasurer, and immediately deliver the same to the County Auditor, taking his receipt therefor, and the County Auditor, upon receipt of such canceled bonds, shall file the same in his office.

Tax to be levied and collected. SEC. 8. In addition to the ordinary taxes for county purposes, there shall be for the year one thousand eight hundred and seventy-one, and annually thereafter, until the principal and interest of said bonds to be issued shall be fully provided for, as hereinafter provided, to be levied and collected at the same time and in the same manner as other revenues of said county, a special tax, to be called the Interest Tax, of forty-five cents on each one hundred dollars of taxable property of said county, which tax shall be collected in United States gold and silver coin, and be paid over to the County Treasurer. The fund derived from this tax shall be applied only to the payment of the interest accruing upon said bonds, as herein provided; *provided*, that should said funds furnish a surplus over and above what may be required for the payment of said interest, such surplus shall be turned over and paid into the Sinking Fund, herein provided for.

Interest tax.

Fund applied.

Proviso.

Treasurer to arrange for payment of interest. SEC. 9. It shall be the duty of the County Treasurer of Elko County, to make such arrangements for the payment of the interest of said bonds when the same falls due, at least thirty days before the time of payment, and in the event said Interest Fund is insufficient, the said Treasurer shall draw on the General Fund of the county for such purpose, and in the event that said fund should prove inadequate, the said Treasurer is authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and for the protection of the credit of the county of Elko.

Sinking fund to be set apart. SEC. 10. It shall be the duty of the Treasurer of said county to set apart a fund to be called the "Sinking Fund of the County of Elko." Into said fund shall be paid, first, any and all surplus of the Interest Fund as aforesaid; each of said payments shall be continued until the said Sinking Fund shall be sufficient for the payment of the principal and interest of the bonds, and when the same shall have been paid and liquidated, the same shall cease, and all surplus remaining in the Sinking Fund shall be paid into the General Fund of said county.

Sealed proposals, redemption of bonds. SEC. 11. Whenever at any time there shall be in the Sinking Fund a sum of money amounting to one thousand dollars, or upward, the County Treasurer shall advertise in a public newspaper, published in said county, for the space of thirty days, for sealed proposals for the redemption of said bonds; but in case there be no newspaper published in said county, then, in that case, said advertisement shall be published in some newspaper having the largest circulation in said county, to be designated by

the County Auditor; the advertisement to specify the day, hour and place the sealed proposals will be opened.

Sec. 12. At the time specified the Treasurer shall open the sealed proposals, at his office, in the presence of the chairman of the Board of County Commissioners and Auditor, and such other persons as may wish to be present: and shall pay and liquidate such bonds presented, at the lowest value at which they may be proposed to be liquidated; *provided*, the same shall not be for more than their par value; *and, provided*, that if there be no sealed proposals made, or offered, for the surrender and payment of said bonds, then in that case it shall be the duty of the County Treasurer to advertise in the manner as before mentioned, for a period of not less than twenty, or more than thirty days, for the surrender and payment of so many of said bonds as the amount of money in said Sinking Fund will pay in their regular order of payment, commencing with number one, two and three, and so continue the payment in that order according to their number and date; and in the event that the holder or holders of the bond, or bonds, first in order of payment shall fail to present his or their bond or bonds for payment, at the office of the County Treasurer, in the town of Elko, at the time indicated in the beforementioned advertisement, then in that case, the said bond or bonds shall cease to draw interest from such date named in the advertisement for the payment of the same. And in like manner the County Treasurer shall continue to advertise the next bond or bonds in order of payment, according to their number and date, and if the holder or holders thereof fail to surrender for payment, as provided, the interest upon said bonds shall cease, as before mentioned. The County Treasurer shall continue to advertise from time to time, as provided, until the whole amount of bonds has been advertised, or the amount of money in the Sinking Fund shall have been paid out in their redemption, as heretofore provided; *and, provided*, that should there be no proposals made for less than par value, then the payment shall be made *pro rata* on all of said bonds; *provided further*, that said bonds upon which interest shall have ceased in consequence of the holder or holders thereof having failed to present the same for payment, as above provided in this Act, then, and in that case, said bonds shall have preference over the interest-bearing bonds in order of payment, and shall be paid in their regular order of date and number, but under the same rules, regulations and restrictions as provided in this Act for interest-bearing bonds.

Sec. 13. A full and particular account and record of the sinking fund shall be kept by said Treasurer, and shall at all times be open for the inspection of the Auditor, Board of Commissioners and Grand Jury, and upon demand of the Grand Jury, of said county, the Treasurer shall cause a concise statement to be made of the condition and business of said fund, and the amount of bonds issued, and to whom issued.

Sec. 14. The County Treasurer shall pay out of any money in the treasury, not otherwise appropriated, any and all expenses that may be incurred in having said bonds prepared, not to exceed the sum of four hundred dollars.

Sec. 15. The Funding Commissioners shall receive such compensation for their services as the Board of County Commissioners.

ers may allow, to be paid out of the county treasury as other charges against the county are paid.

Funding.

SEC. 16. On the first day of March, one thousand eight hundred and seventy-one, the County Treasurer of Elko County, shall advertise in some newspaper as heretofore provided, for the period of thirty days, that from and after that day the funding of the then outstanding warrants of Elko County will commence; from which time it shall not be lawful for the Treasurer of said county to pay or liquidate any of the outstanding warrants of said county in any other way than by funding it in accordance with the provisions of this Act, nor shall said Treasurer under any pretence whatever, liquidate, pay or cause to be paid any portion thereof, only in accordance with the provisions of this Act. The expense for publishing as provided in this Act, shall be paid out of the general fund of the county.

County Commissioners restricted in contracting debts.

SEC. 17. On and after the first day of March, one thousand eight hundred and seventy-one, the Board of County Commissioners of said county, shall contract no debt, and incur no liabilities, that shall singly or in the aggregate, with any other previous debt or liabilities contracted or incurred, after the said first day of March, exceed the sum of nine thousand dollars more than the amount of money in the county treasury subject to the payment of the same.

Officers not complying with Act.

Penalty.

SEC. 18. Any county officers or officers of the county of Elko, who shall willfully neglect or refuse to comply with the requisitions or provisions of this Act shall be deemed guilty of misdemeanor, or in office, and be fined in any sum not less than two hundred, nor more than one thousand dollars, to be recoverable before any court of competent jurisdiction, or dismissal from office, or both such fine and dismissal, in the discretion of the court; and it is hereby made the duty of the District Judge of Elko County to give the substance of this section in charge to the Grand Jury at each session, making it their duty to inquire and investigate as to any infraction or violation of this Act, by any of the officers herein named, whose duty it is to carry into practical effect the provisions of this Act; and it is hereby made the duty of the District Attorney to prosecute all delinquents under this Act.

Power of District Court.

SEC. 19. The District Court of Elko County shall have power to enforce obedience to the provisions of this Act, and for that purpose shall have full power to issue process of mandamus, prohibition and all other writs that may be required, that are authorized by law.

Fines, etc.

SEC. 20. All fines and penalties collected under the provisions of this Act, shall be paid into the school fund.

CHAP. XXVI.—*An Act to temporarily fix the County Seat of Lincoln County.*

[Approved February 24, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. The county seat of Lincoln County is hereby temporarily located at the town of Pioche, for a period not to exceed three months from the passage of this Act. County seat temporarily located.

SEC. 2. It shall be the duty of all officers of said county, who are required by law to keep their offices at the county seat, to remove the same to said town of Pioche, within ten days after the passage of this Act. Officers to be removed.

SEC. 3. The County Commissioners of said county shall provide for the removal of the archives of said county of Lincoln to said town of Pioche, within ten days from the passage of this Act; but no money shall be expended in the erection or purchase of county buildings, until the county seat of said county of Lincoln be permanently fixed by a vote of the people. It shall be lawful for the County Commissioners of Lincoln County to rent, for the use of the various public officers at Pioche, such offices as may be required by law. County Commissioners to provide for removal. May rent offices.

SEC. 4. This Act shall be in force from and after its passage.

CHAP. XXVII.—*An Act to provide for the payment of the Indebtedness of White Pine County.*

[Approved February 27, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. From and after the first day of April, A. D. one thousand eight hundred and seventy-one, it shall not be lawful for the Treasurer of the county of White Pine, to pay any warrant drawn on the treasury of said county, prior to the first day of April, A. D. one thousand eight hundred and seventy-one, except in the manner hereinafter provided. Treasurer prohibited from paying warrants.

SEC. 2. The Board of County Commissioners of said county, are hereby authorized and directed, from and after the first day of April, A. D. one thousand eight hundred and seventy-one, to create in the county treasury of said county, a fund to be known as the Redemption Fund of said county. As soon after the first day of April, A. D. one thousand eight hundred and seventy-one, as is practicable, they shall cause to be transferred into said redemption fund, thirty (30) per centum of all county revenues, in the county treasury of said county, at the time of the taking effect of this Act; and the County Treasurer of said county, is hereby Redemption fund created. Revenue to be transferred.

expressly prohibited from paying out any portion of said thirty (30) per centum of said revenues, from said treasury, until the said order of transference to be made by said Board of County Commissioners, as hereinbefore provided for, is duly certified to such Treasurer; and they shall cause thirty (30) per centum of all county revenues paid into the treasury of said county, at any time after the first day of April, A. D. one thousand eight hundred and seventy-one, to be placed in said redemption fund, as soon as paid into said treasury. The moneys placed in the redemption fund, created by this Act, shall be disbursed as hereinafter provided.

Disbursed.

Duty of Treasurer.

SEC. 3. Whenever at any time there shall be in said redemption fund the sum of one thousand dollars, or more, it shall be the duty of the County Treasurer of said county to give fifteen days notice, by publication in some newspaper published at the county seat of said county, that sealed proposals directed to him will be received for the surrender of county warrants, issued prior to April first, A. D., one thousand eight hundred and seventy-one, or under the provisions of this Act; and that said proposals will be received by him until the next regular meeting of the Board of County Commissioners of said county thereafter.

Sealed proposals for surrender of warrants.

Proposals opened.

SEC. 4. On the first day of such regular meeting of said Board of County Commissioners, they, together with the County Auditor and Treasurer, shall attend at the office of the latter, and then and there open all sealed proposals, and accept the lowest bids for the surrender of county warrants specified in the preceding section; *provided*, that no bid for more than par value shall be accepted by them; nor any bid unless accompanied by the warrant or warrants proposed to be surrendered.

Proviso.

Accepted bids.

SEC. 5. When any bids are accepted, the County Auditor and Treasurer shall each take a description of the warrants to be redeemed; specifying the amount to be paid for each warrant; the date, number and amount thereof, and make a record thereof in their respective offices. And thereupon, the Board of County Commissioners shall, by order, direct the County Treasurer to purchase the warrants designated in the accepted bid or bids, and pay for the same out of the redemption fund aforesaid; and all warrants so redeemed shall be canceled by the County Treasurer, by writing across the face thereof, in red ink, "purchased and redeemed;" adding thereto the time when and the amount paid therefor, and signing the same officially. The order of the Board of County Commissioners, aforesaid, together with the record made by the County Auditor, as herein required, shall be sufficient vouchers for the County Treasurer in the settlement of his accounts. The bids specified in this Act being equal, preference shall be given to the smallest amount. That shall be deemed the lowest bid which offers the largest amount of warrants for the least sum of money. The bids and amounts of warrants being equal, taking into consideration both principal and interest, each shall be accepted *pro rata* as nearly as possible. The County Treasurer shall return all unaccepted bids, together with the warrants therein contained, to the owners on demand. The County Treasurer shall keep a separate account under the heading of Redemption Fund, of all moneys received into the said fund; and of all moneys paid out of said fund, and to whom paid. He shall also, on the register of county warrants

Warrants to be canceled.

Vouchers.

Lowest bid.

Warrants, etc., to be returned.

Separate account.

kept by him, write opposite each warrant redeemed under the provisions of this Act, the word "purchased," and state the amount paid therefor.

SEC. 6. When any claim against said county, which accrued prior to the first day of April, A. D. one thousand eight hundred and seventy-one, is allowed by the Board of County Commissioners of said county, after the first day of April, A. D. one thousand eight hundred and seventy-one, the same shall be allowed as purchasable out of the redemption fund of said county; and all warrants drawn for the payment of the same, shall be drawn upon and purchasable out of said redemption fund, in the same manner provided by this Act for the purchase of other county warrants, with moneys of said county in said redemption fund.

Warrants drawn and purchasable out of Redemption Fund.

SEC. 7. From and after the first day of April, A. D. one thousand eight hundred and seventy-one, all persons holding demands against the said county, which have been allowed by the County Commissioners and County Auditor, as also all which may be allowed after April first, A. D. one thousand eight hundred and seventy-one, that may have accrued prior to such date, shall present the same to the County Auditor of said county, who shall issue therefor county warrants for the amount of such demands, and take up and retain all evidence of indebtedness held by such persons for such demands; and such warrants so drawn shall bear interest from the date of the same, at the rate of ten per centum per annum until paid, and shall be subject to the provisions of this Act.

Demands allowed to be retired.

Interest.

SEC. 8. The provisions of this Act shall in no manner interfere with the levy, collection, appropriation and payment of a special tax for the purpose of paying the principal and interest of the bonds issued by said county for building purposes, under and by virtue of an Act entitled "An Act to authorize the County Commissioners of the several counties of this State to build, or purchase, buildings suitable for county purposes," approved March tenth, A. D. one thousand eight hundred and sixty-five.

Provisions not to interfere with special tax.

SEC. 9. Whenever at the end of any fiscal year there shall remain in any of the other funds of the county, except the school fund, a surplus, it shall be the duty of the County Treasurer to transfer such surplus to the redemption fund, herein provided, and it shall be the duty of said Treasurer to advertise such surplus, and purchase outstanding warrants with it, in the same manner as specified in this Act.

Surplus to be transferred.

SEC. 10. All Acts and parts of Acts heretofore passed, as far as they conflict with the provisions of this Act, are hereby repealed.

Repeal.

SEC. 11. This Act shall take effect, and be in force, from and after the first day of April, A. D. one thousand eight hundred and seventy-one.

Act to take effect.

CHAP. XXVIII.—*An Act to grant the right of way to Hill Beachey, O. R. Johnson, B. A. Townsend, and their associates, to build and maintain a narrow gauge railroad from Reno, Washoe County, to Virginia City, Storey County.*

[Approved February 27, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Right of way granted. SECTION 1. The right of way is hereby granted and given to Hill Beachey, O. R. Johnson, B. A. Townsend, and their associates, to locate, build and maintain a narrow gauge railroad from Reno, in Washoe County, to Virginia City, Storey County, in this State, subject to the provisions of an Act entitled "An Act to provide for the Incorporation of Railroad Companies, and the management of the affairs thereof, and other matters relating thereto," approved March twenty-second, one thousand eight hundred and sixty-five.

Survey and location. SEC. 2. The survey and location of said road shall be completed in six months after the passage of this Act; and the entire road shall be completed, fully equipped, and in running order, within eighteen months after the completion of the locating survey, under penalty of a forfeiture of all the rights, privileges and franchises hereby granted.

Chinese or Mongolian labor prohibited. SEC. 3. Neither Chinese nor Mongolians shall be employed as laborers in the construction or maintaining of said road, and the employment of such Chinese, or Mongolian labor, shall work the forfeiture of all the rights and privileges accruing under the provisions of this Act.

CHAP. XXIX.—*An Act in relation to the payment of School Moneys by County Treasurers.*

[Approved February 27, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

School moneys, how paid. SECTION 1. When any money shall be due and payable, by any school district in this State, for compensation of teachers, or for any other object or purpose, the trustees of such school district shall certify officially to the nature, amount and correctness of such claim, enter a record of such action on the minutes of their proceedings, and deliver such certified claim to the owner thereof, who shall present the same to the County Auditor of the county in which such school district is. Said County Auditor shall audit such claim, on being satisfied of its correctness, and if there be then money in the treasury of said county, which may lawfully be applied to the payment of such claim, the Auditor shall give

his warrant on the County Treasurer for the amount thereof, stating the nature of the claim in such manner as to inform the Treasurer out of what fund the same shall be paid. If there be not funds then in the county treasury to pay such claim, the Auditor, upon auditing the same, shall give his certificate to the claimant that he has audited the same, and as soon thereafter as money shall be in the treasury to pay the same, he shall, on surrender of such certificate, issue a warrant on the Treasurer for the amount of such claim.

Sec. 2. When any certified claim shall be presented to the County Auditor of the proper county, as provided in section one of this Act, for his official action, such Auditor shall, if not fully satisfied of its correctness, require proof thereof, in addition to the certificate of the school trustees, and shall notify the County Superintendent thereof, as well as the claimant, and of the time when such proof will be received and considered, which shall be without unnecessary delay or haste; and at the time fixed the claimant shall submit his proofs, and the County Superintendent may rebut the same, and otherwise promote the administration of justice in the matter. And in all cases of failure to prove a claim to his satisfaction, under this Act, the Auditor shall reject the whole, or any part thereof which he may deem unjust; and such claimant may thereupon sue therefor in any court of competent jurisdiction; and, if he recover judgment, the claim, so far as adjudged correct and payable, shall then be audited by the Auditor of the proper county. Any suit instituted by any claimant, under the foregoing provisions of this Act, shall be defended by the District Attorney of the county in which it shall be brought; and if the claimant recover judgment for costs, they shall be paid by the county, on allowance by the Board of County Commissioners, out of the General Fund of such county.

Sec. 3. All Acts and parts of Acts now in force, so far only as in conflict with the provisions of this Act, are hereby repealed.

CHAP. XXX.—*An Act to provide for the transfer of Certain Moneys from the Indigent Sick and Contingent Funds of Churchill County to the General Fund of said county.*

[Approved February 27, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Treasurer of Churchill County is hereby authorized and required to transfer such sums of money as the Board of County Commissioners of said county may direct, from the Indigent Sick and Contingent Funds to the General Fund of said county.

Treasurer
authorized
to transfer
money.

CHAP. XXXI.—*An Act fixing the time for holding the Terms of the District Court of the Fourth Judicial District.*

[Approved February 27, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Terms of
Court.

SECTION 1. The regular terms of the District Court of the Fourth Judicial District shall commence on the second Monday of April, the second Monday of August and the first Monday of December in each year. Said court shall not convene until the second Monday in April, one thousand eight hundred and seventy-one.

CHAP. XXXII.—*An Act relative to the Salary of the Judge of the Fourth Judicial District.*

[Approved February 27, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Salary of
Judge.

Proviso.

SECTION 1. The salary of the Judge of the Fourth Judicial District shall be four thousand dollars in coin per annum, on and after the expiration of the term for which the present incumbent was elected; *provided*, in case a vacancy shall occur in the office of District Judge of said district, during the term of the present incumbent, then the salary of the Judge of said judicial district shall be four thousand dollars per annum, in coin, from the date of the appointment or election to fill such vacancy.

CHAP. XXXIII.—*An Act authorizing a State Loan, and levying a tax to provide means for the payment thereof.*

[Approved February 27, 1871.]

Preamble.

WHEREAS, The amount of the territorial indebtedness of the late Territory of Nevada, assumed by this State, together with the interest thereon, paid by this State, exceeds the sum of three hundred and eighty thousand dollars, for which sum the bonds of this State may be issued, as authorized by section seven of article seventeen of the Constitution, without being deemed or held subject to the limitations contained in section three of article nine of the Constitution; therefore—

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. By virtue of the power granted to the Legislature by the seventh section of article seventeen of the Constitution of the State of Nevada, and for the purpose of paying the principal and interest of the territorial proportion of the State Loan of February sixth, one thousand eight hundred and sixty-seven, heretofore assumed by the State, on account of territorial indebtedness and interest, a loan, not exceeding the sum of three hundred and eighty thousand dollars, is hereby authorized to be negotiated on the faith and credit of the State, to be paid within fifteen years from the date of negotiation of said loan, to bear a rate of interest not exceeding ten (10) per cent. per annum, from the date of the bonds, payable semi-annually, at such places in San Francisco and in New York City as may be designated by the Treasurer of this State, or at this office of the State Treasurer in Nevada, at the option of the party or parties to whom such bonds are issued. Loan authorized to be negotiated.

SEC. 2. The State Controller shall cause the bonds to be prepared that are to be issued for the payment of the loan authorized by this Act; which bonds shall be signed by the Governor, countersigned by the Controller, endorsed by the Treasurer, and authenticated with the great seal of the State. Coupons for interest shall be attached to each bond, so that the coupons may be removed without injury or mutilation to the bond. Said coupons, consecutively numbered, shall be signed by the State Treasurer. Bonds, how prepared. Coupons.

SEC. 3. The Treasurer and Controller of State, or either of them, by and with the advice and consent of the other, are hereby made Commissioners on the part of the State, to negotiate the sale of the bonds provided herein to be issued; *provided*, no bonds shall be issued or negotiated until on or after the first day of January, one thousand eight hundred and seventy-two, except in exchange for bonds, interest, or other evidences of indebtedness against the State, as provided for in section nine (9) of this Act. Commissioners for sale of bonds.

SEC. 4. It shall be the duty of the Treasurer and Controller of State each to keep a separate record of all such bonds as may be issued, showing the number, date, amount and rate of interest of each bond, and to whom issued. No bond shall be issued for a less sum than one hundred dollars. No bonds issued under the provisions of this Act shall be sold for any currency except gold and silver coin of the United States, nor at less than their par value; and for the payment of said bonds, both principal and interest in gold and silver coin of the United States, the faith and credit of the State is solemnly pledged. Treasurer and Controller to keep separate record of bonds.

SEC. 5. After the negotiation and sale of the bonds provided for in this Act, it shall be the duty of the State Treasurer to set apart a fund, for the purpose of paying the principal and interest of said bonds, as the same may become due; which shall be called the "Territorial Interest and Sinking Fund." There shall be levied and collected for the fiscal year commencing January first, one thousand eight hundred and seventy-two, and annually there- Territorial interest and sinking fund. Tax to be levied.

Revenue
pledged for
payment of
bonds.

Proviso.

Tax on
proceeds of
mines not
pledged.

Arrange-
ments for
payment of
interest.

Surplus
remaining
on payment
of interest,
how
disposed of.

Surplus to
be invested,
when.

after, until all the bonds issued and sold under this Act shall have been fully paid, both principal and interest, an *ad valorem* tax of twenty-five (25) cents upon each one hundred dollars of taxable property in the State. The revenue derived from said tax shall be paid into the "Territorial Interest and Sinking Fund," and is hereby set apart, apportioned and pledged, as well as the faith and credit of the State of Nevada, for and to the payment, both principal and interest, of all bonds of said State, issued in pursuance of the provisions of this Act. No part of the revenue derived from the tax hereinbefore levied shall be paid out, or in any manner diverted from the State Treasury for any other purpose than paying or retiring the bonds, both principal and interest, issued pursuant to the provisions of this Act, except as hereinafter provided; *provided*, that in the event all of the bonds herein authorized to be issued are not sold or disposed of, then it shall be the duty of the Treasurer, immediately after each payment of the semi-annual interest on all outstanding bonds, to transfer to the general fund so much of the money derived from the tax aforesaid remaining in his hands as shall be the due proportion of the whole of said tax on bonds unsold or undisposed of under the provisions of this Act; *provided further*, that no portion of any tax whatsoever levied on the proceeds of the mines, shall be construed to form any part of the revenue appropriated and pledged by this section for the redemption of the said bonds, but shall be paid into the General Fund for general State purposes.

SEC. 6. It shall be the duty of the said Commissioners to make definite arrangements for the payment of the interest on the said bonds when the same shall fall due, at least sixty (60) days before the time of payment; and, in the event that said interest and sinking fund, as in this Act provided is insufficient, the said Treasurer shall draw on the general fund for such purpose; and, in the event that said funds prove inadequate, the Treasurer, by and with the consent of the Governor and State Controller, or either of them, is authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest, and the protection of the faith of the State.

SEC. 7. Whenever, at the time of paying the semi-annual interest on the bonds provided to be issued by this Act, there shall remain a surplus after the payment of such interest, over and above the amount which it may be necessary to reserve for the payment of the next ensuing semi-annual interest, of five thousand (5,000) dollars, or more, in the fund created by this Act, it shall be the duty of the State Treasurer to advertise in one or more daily newspapers published in this State, and in the cities of San Francisco and New York, for sealed proposals for the surrender of bonds issued under this Act. He shall state in such advertisement the amount of money on hand applicable to the redemption of such bonds, and he shall accept such proposals, at rates not exceeding par value, as may redeem the greatest amount of bonds, until the cash on hand for redemption is exhausted. If there shall be no bids for the surrender of bonds presented to, or received by the State Treasurer, as provided in this section, it shall be his duty, by and with the advice and consent of the Controller or Governor, to invest the

surplus on hand in said interest and sinking fund, for the redemption of said bonds, in the interest-bearing gold bonds of the United States, which bonds, with the interest thereon, shall remain in said interest and sinking fund until it becomes necessary to dispose of them to meet the principal or interest of the bonds provided to be issued by this Act.

SEC. 8. The Treasurer and Controller of State, shall, on or before the first day of January of each year, report to the Governor, a full, true and correct statement of the amount of bonds redeemed, the amount of interest paid, the amount of interest-bearing gold bonds of the United States purchased, and the amount of money in the treasury belonging to the fund created by this Act, and the Governor shall report the same in detail to each biennial session of the Legislature.

SEC. 9. Nothing contained in this Act shall be so construed as to prevent the State Treasurer from exchanging the bonds issued by virtue of this Act, for any of the outstanding bonds and interest, or other evidences of indebtedness provided to be paid or retired by section one of this Act, but such exchange may be made at their par value; and he shall use the proceeds obtained from the sale of bonds issued under the provisions of this Act only for the purpose of paying the bonds and interest thereon, provided to be paid by section one of this Act.

SEC. 10. After the bonds authorized to be issued under the provisions of this Act shall fall due, and there shall be in the State treasury money applicable to the payment of such bonds, the State Treasurer shall advertise in a newspaper published in this State, and in the cities of New York and San Francisco, for the period of thirty days, his readiness to redeem and pay said bonds, giving the number and date of each bond to be so redeemed. The Treasurer shall keep on hand the principal and interest on any advertised bond, and no bond shall bear interest after the expiration of thirty days from the time the Treasurer advertises his readiness to pay the same.

SEC. 11. The sum of three thousand (3000) dollars, or so much thereof as may be necessary, is hereby appropriated out of the general fund, not otherwise appropriated, to defray the expenses of the procurement and negotiation of the required bonds, and placing the proceeds thereof in the State Treasury.

CHAP. XXXIV.—*An Act to authorize a State Loan, for the purpose of paying the State proportion of the Bonds issued under the Act, approved February sixth, one thousand eight hundred and sixty-seven; and to Fund the Floating Debt, and place the State upon a permanent cash basis.*

[Approved February 27, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Loan
authorized
to be
negotiated.

SECTION 1. By virtue of the power granted to the Legislature by the third section of article nine of the constitution of the State of Nevada, and for the purpose of paying the State proportion of the bonds issued under the Act, approved February sixth, one thousand eight hundred and sixty-seven, amounting to the sum of one hundred and twenty thousand (120,000) dollars, and to provide for the payment of registered warrants, and to place the State upon a permanent cash basis, a loan of two hundred and eighty thousand (280,000) dollars, is hereby authorized to be negotiated, on the faith and credit of the State, to be paid within ten years from the date of negotiation of said loan, to bear a rate of interest not exceeding ten (10) per cent. per annum, from the date of the issuance of the bonds, payable semi-annually at such places in San Francisco and in New York City, as may be designated by the Treasurer of this State, or at the office of the State Treasurer in Nevada, at the option of the party or parties to whom such bonds are issued.

Bonds, how
prepared.

SEC. 2. The State Controller shall cause the bonds to be prepared that are to be used, for the payment of the loan authorized by this Act; which bonds shall be signed by the Governor, countersigned by the Controller, endorsed by the Treasurer, and authenticated with the great seal of the State. Coupons for interest shall be attached to each bond, so that the coupons may be removed without injury or mutilation to the bond. Said coupons consecutively numbered, shall be signed by the State Treasurer.

Coupons.

Sale of
bonds.

SEC. 3. No bonds issued under the provisions of this Act, shall be sold for any currency except gold and silver coin of the United States, nor at less than their par value; and for the payment of said bonds, both principal and interest, in gold and silver coin of the United States, the faith and credit of the State is solemnly pledged.

Commis-
sioners for
sale of
bonds.

SEC. 4. The Treasurer and Controller are hereby made Commissioners on the part of the State, and they or either of them, with the advice and consent of the other, are hereby authorized to negotiate the sale of the bonds provided herein to be issued.

Loan.

It shall be the duty of said Commissioners to negotiate a loan not exceeding one hundred and sixty thousand (160,000) dollars, to pay the registered warrants, and to place the State on a permanent cash basis, at as early a day as practicable; *provided*, the State Treasurer may exchange any of the bonds issued under this Act for outstanding registered warrants, at their par value, in sums not less than one hundred (100) dollars. It shall also be

Proviso.

the duty of said Commissioners on or after the first day of January, one thousand eight hundred and seventy-two, to negotiate a loan, not exceeding one hundred and twenty thousand (120,000) dollars to pay the State proportion of the bonds issued under the Act of February sixth, one thousand eight hundred and sixty-seven, at their maturity; *provided*, the Treasurer may, at any time, exchange any of the bonds issued under this Act, for any of the bonds named in section one, at their par value, in sums not less than one thousand (1,000) dollars. Loan.
Proviso.

SEC. 5. After the negotiation and sale of the bonds provided for in this Act, it shall be the duty of the State Treasurer to set apart a fund, for the purpose of paying the principal and interest of said bonds, when they shall become due; which shall be called the State Interest and Sinking Fund. There shall be levied and collected for the first fiscal year, commencing January first, one thousand eight hundred and seventy-one, an ad valorem tax, of twelve and one half cents upon each one hundred dollars of the taxable property in this State, to provide for the interest on the one hundred and sixty thousand (160,000) dollars, and there shall be levied and collected, for the fiscal year commencing January first, one thousand eight hundred and seventy-two, and annually thereafter, until all the bonds issued and sold under the provisions of this Act, shall have been fully paid, both principal and interest, an ad valorem tax of twenty-five (25) cents upon each one hundred dollars of the taxable property in this State. The revenue derived from said tax shall be paid into the State Interest and Sinking Fund, and is hereby set apart, appropriated and pledged, as well as the faith and credit of the State of Nevada, for and to the payment, both principal and interest, of all bonds of said State, issued in pursuance of the provisions of this Act. No part of the revenue derived from the tax herein levied, shall be paid out, or in any manner diverted from the State Treasury for any other purpose than paying or retiring the bonds, both principal and interest, issued pursuant to the provisions of this Act, except as hereinafter provided; *provided*, that no portion of any tax whatsoever, levied on the proceeds of the mines, shall be construed to form any part of the revenue appropriated and pledged by this section for the redemption of the said bonds, but shall be paid into the general fund, for general State purposes. State
interest and
sinking
fund.

Revenue
not to be
diverted
from
payment of
principal
and interest
Proviso.

SEC. 6. It shall be the duty of the Treasurer and Controller of State to make definite arrangements for the payment of the interest on the said bonds when the same shall become due, at least sixty days before the time of payment, and in the event that said interest and sinking fund, as in this Act provided, is insufficient, the said Treasurer and Controller shall draw on the general fund for such purpose; and in the event that said funds prove inadequate, the said Commissioners are hereby authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith of the State. Arrange-
ments for
payment of
interest.

SEC. 7. Whenever, at the time of paying the semi-annual interest on the bonds provided to be issued by this Act, there shall remain a surplus after the payment of such interest, over and above the amount which it may be necessary to reserve for the payment of the next semi-annual interest, of five thousand Surplus
remaining
on payment
of interest,
how
disposed of.

(5,000) dollars, or more, in the fund created by the fifth (5th) section of this Act, it shall be the duty of the State Treasurer to advertise in one or more daily newspapers published in this State, and in the cities of San Francisco and New York, for sealed proposals for the surrender of bonds issued under this Act. He shall state in such advertisement the amount of money on hand applicable to the redemption of such bonds, and he shall accept such proposals, at rates not exceeding par value, as may redeem the greatest amount of bonds, until the cash on hand for redemption is exhausted. If there shall be no bids for the surrender of bonds presented to, or received by the State Treasurer, as provided in this section, it shall be his duty, by and with the advice and consent of the Controller, to invest the surplus on hand in said interest and sinking fund, for the redemption of said bonds, in the interest-bearing gold bonds of the United States, which bonds, with the interest thereon, shall remain in said interest and sinking fund until it shall become necessary to dispose of them to meet the principal or interest of the bonds provided to be issued by this Act.

Surplus to
be invested,
when.

Report of
amount of
bonds re-
deemed,
etc., to be
made.

SEC. 8. The Treasurer and Controller of State shall, on or before the first day of January of each year, report to the Governor a full, true and correct statement of the amount of bonds redeemed, the amount of interest paid, the amount of interest-bearing gold bonds of the United States purchased, and the amount of money in the treasury belonging to the fund created by this Act, and the Governor shall report the same in detail to each biennial session of the Legislature.

Treasurer
to advertise
readiness to
pay bonds.

SEC. 9. After the bonds authorized to be issued under the provisions of this Act shall fall due, and there shall be in the State treasury money applicable to the payment of such bonds, the State Treasurer shall advertise in a newspaper published in this State, and in the cities of New York and San Francisco, for the period of thirty days, his readiness to redeem and pay said bonds, giving the number and date of each bond to be so redeemed. The Treasurer shall keep on hand the principal and interest on any advertised bond, and no bond shall bear interest after the expiration of thirty days from the time the Treasurer advertises his readiness to pay the same.

When
interest to
cease.

Appropriation.

SEC. 10. The sum of two thousand (2,000) dollars, or so much thereof as may be necessary, is hereby appropriated out of the General Fund, not otherwise appropriated, to defray the expenses of the procuring and negotiation of the required bonds, and placing the proceeds thereof in the State treasury.

Separate
record.

SEC. 11. It shall be the duty of the Treasurer and Controller of State, each to keep a separate record of all such bonds as may be issued, showing the number, date, amount, and rate of interest of each bond, and to whom issued.

CHAP. XXXV.—*An Act providing for the Taxation of the Net Proceeds of Mines.*

[Approved February 28, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. All ores, tailings and mineral-bearing material, of Assessment of ores, etc. whatever character, shall be assessed for purposes of taxation, for State and county purposes, in the following manner: From the gross yield, return or value, of all ores, tailings or mineral bearing material, of whatever character, there shall be deducted the actual cost of extracting said ores or minerals from the mine; the actual cost of saving said tailings; the actual cost of transportation of said ores, mineral-bearing material or tailings, to the place of reduction or sale, and the actual cost of such reduction or sale; and the remainder shall be deemed the net proceeds, and shall be assessed and taxed as provided for in this Act; *provided*, that in no case whatsoever shall the whole amount of deductions allowed to be made in this section from the gross yield, return or value of said ore, mineral-bearing material or tailings, exceed the percentage of gross yield, value or return of such ore, minerals or tailings, as hereinafter specified. On all ores, tailings or mineral-bearing material, the gross yield or value of which is twelve dollars per ton or less, the whole amount of deductions shall not exceed ninety per centum of such gross yield, return or value. On all ores, tailings or mineral-bearing material, the gross yield, value or return of which is over twelve and under thirty dollars per ton, the whole amount of deductions shall not exceed eighty per centum of such gross yield, value or return. On all ores, tailings or mineral-bearing material, the gross yield, return or value of which is over thirty dollars, and less than one hundred dollars per ton, the whole amount of deductions shall not exceed sixty per centum of such gross yield, value or return. On all ores, tailings or mineral-bearing material, the gross yield, return or value of which is one hundred dollars per ton or over, the whole amount of deductions shall not exceed fifty per centum of such gross yield, return or value; *provided*, that an additional ex- Proviso. emption of fifteen dollars per ton may be allowed on all ores, tailings or minerals worked by Freiberg or dry process.

Sec. 2. It shall be the duty of the several County Assessors Assessment roll of proceeds of mines. within this State, to prepare and complete quarterly, on or before the second Monday in February, May, August and November, in each year, a tax list or assessment roll of the proceeds of the mines, alphabetically arranged in a book furnished them by the Board of County Commissioners for that purpose, in which book shall be listed, or assessed, the proceeds of all mines in their respective counties, as provided in this Act. The form of the assessment roll shall be substantially as follows:

Form.

Names of Owners.	Description and location of mine.	Number of Tons extracted for the quarter.	Gro's yield or value; same in dollars and cents.	Actual cost of extracting same from mine.	Actual cost of transportation to place of reduction or sale.	Actual cost of reduction or sale.	Net yield or value in dollars and cts.	Total amt of Tax.

Assessor to demand statement under oath, etc.

For the purpose of enabling the Assessor to make such assessment, he shall demand from the President, Secretary, Superintendent, Treasurer, or managing-agent of each corporation, association, or firm engaged in extracting ores or minerals within his county, and from any person so engaged other than as a corporation, association or firm, a statement under oath or affirmation of the total number of tons extracted by him or them; the gross yield or value of the same in dollars and cents; the actual cost of extracting the same from the mine; the actual cost of transportation of same to place of reduction or sale, and the actual cost of reduction or sale of same for the preceding three months respectively. If any person shall, knowingly, make or give under oath or affirmation, as aforesaid, a false statement to the Assessor, such person shall be deemed guilty of perjury, and upon conviction thereof, shall be punished therefor as is provided by law for the punishment of the crime of perjury.

False statement deemed perjury.

Books of Company etc. to be open to inspection of Assessor.

Refusal deemed misdemeanor.

Punishment.

Refusal to give statement.

SEC. 3. The account books relating to or used in the transaction of the business of any person, firm, company, association or corporation, engaged in extracting ores or minerals bearing gold or silver, or other metals for reduction or sale, shall on demand of the Assessor or his deputy be open to his inspection. If any such person or the President, Superintendent, Treasurer, Secretary or managing-agent, or whoever has charge of said books of such company, association, corporation or firm, shall neglect or refuse to give on demand, to the Assessor or his deputy, access to the books aforesaid, he or they shall be deemed guilty of a misdemeanor and shall be arrested on complaint of the Assessor or his deputy, and on conviction thereof before a Justice of the Peace, shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in the county jail for not more than three months, or by both such fine and imprisonment.

SEC. 4. In case of neglect or refusal of any person, firm, President, Superintendent, Treasurer, Secretary or managing-agent, or whoever has charge of the books or mines of any person, firm, company, association or corporation engaged in extracting ores or minerals for reduction or sale, to give under oath or affirmation the statement required in this Act, the Assessor or his deputy shall make an estimate from the best sources within his reach of the number of tons of all ores or minerals extracted by such person, firm, company, association or corporation for the preceding quarter and assess the same to him or them without

making any deduction for actual costs of any kind, and such assessment shall be binding, lawful and effectual, as if made upon a sworn or affirmed statement.

SEC. 5. Any person, firm, incorporated company, or association, excepting such as shall have persistently refused to give the Assessor on his demand access to the books of said person, firm, incorporated company or association, Persons feeling aggrieved may have assessment equalized. feeling aggrieved on account of the assessment made as in this statute provided, may appear before the Board of County Commissioners at any regular term, or special term thereof called for that purpose, and ask to have such assessment equalized; and such Board may proceed to hear the allegations of the party complaining and of the Assessor, and such other evidence as may be produced, and by an order entered in the minutes of their proceedings, equalize such assessment by adding to or deducting therefrom, as may seem just, and such action when had, shall be final.

SEC. 6. Every tax levied under the authority or provisions of this Act, on the proceeds of the mines is hereby made a lien Lien. on the mines or mining claims, from which ores or minerals bearing gold and silver, or either, or any other valuable metal, is extracted for reduction, which lien shall attach on the first days of January, April, July and October of each year, for the quarter year commencing on those days respectively; and shall not be satisfied or removed until the taxes as provided in this Act, on the proceeds of the mines, are all paid, or the title to said mines or mining claims has absolutely vested in a purchaser under a sale for the taxes levied on the proceeds of such mines or mining claims.

SEC. 7. The County Assessor may at any time serve a notice, Notice of unpaid Taxes. which shall be in writing, signed by him upon any person or firm, or upon the superintendent, managing agent, foreman, or any other person having charge or control of the business of any incorporated company or association engaged in reducing ores taken from any mine or mining claim, setting forth the amount of taxes assessed and unpaid on account of ores or minerals extracted or taken from such mine or mining claim, and from the time of receiving such notice, the person or firm, incorporated company or association so notified, shall be held liable for the amount of such unpaid taxes to the extent of the value of the ores and minerals then in possession of the person or firm, incorporated company or association, extracted or taken from such mine or mining claim.

SEC. 8. The Assessors in the several counties in this State shall be allowed to retain to their own use, for collecting the tax as provided in this Act, on the proceeds of the mines and mining claims, three per centum on all moneys by them collected, and no more. The Assessors and his deputies shall keep a correct account of the number of days they have been actually employed in assessing the proceeds of mines, as provided in this Act, and including therein the time employed in making the assessment for both State and County purposes, on the proceeds of the mines, and shall verify the same under oath before the Clerk of the Board of County Commissioners, or other person authorized to administer oaths, and then present said account to the Board of County Commissioners, who, if satisfied of the correctness of the Compensation of Assessor.

Compensation of County Auditor.

same, shall allow it, or so much thereof as they may find correct, and order payment therefor to be made at the rate of eight dollars per day, which shall be in full for all services in making the assessment for both State and County purposes, and shall be paid as in this statute provided. The County Auditor shall receive, for extending the taxes on the quarterly assessment roll of the proceeds of the mines, an amount not to exceed fifteen cents per folio of one hundred words. No County Treasurer shall be allowed to receive to his own use any per centage or compensation from the tax on the proceeds of the mines.

Apportionment of compensation.

SEC. 9. The amount allowed and paid out to the Assessor and County Auditor for services under this Act shall be apportioned by the Auditor, in the proportion the State tax bears to the County tax on proceeds of mines, and the amount shall be charged to the State and County in said proportion, and a verified statement of the amount allowed by the Board of County Commissioners shall entitle the Controller to credit the County Treasurer with such amounts as shall have been charged against the State.

Collection how enforced.

SEC. 10. The collection of the tax authorized to be levied under this Act shall be enforced in the same manner in which the tax on any other kind of personal property is enforced and collected.

Repeal.

SEC. 11. All Acts and parts of Acts' inconsistent with the provisions of this Act, are hereby repealed.

CHAP. XXXVI.—*An Act requiring compensation for Causing Death by wrongful acts, neglect or default.*

[Approved February 28, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Death by wrongful act, etc.

SECTION 1. Whenever the death of a person shall be caused by wrongful act, neglect, or default, and the act, neglect, or default is such as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, then, and in every such case, the persons who, or the corporation which would have been liable, if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured; and although the death shall have been caused under such circumstances as amount in law to felony.

Action for damages.

Proceeds of judgment not liable for debt.

SEC. 2. The proceeds of any judgment obtained in any action brought under the provisions of this Act shall not be liable for any debt of the deceased; *provided*, he or she shall have left a husband, wife, child, father, mother, brother, sister, or child or children of a deceased child; but shall be distributed as follows: First, If there be a surviving husband or wife, and no child, then to such husband or wife; if there be a surviving husband or wife, and a child or children, or grandchildren, then, equally to each,

How distributed.

the grandchild or children taking by right of representation; if there be no husband or wife, but a child or children, or grandchild or children, then to such child or children and grandchild or children by right of representation; if there be no child or grandchild, then to a surviving brother or sister, or brothers or sisters, if there be any; if there be none of the kindred hereinbefore named, then the proceeds of such judgment shall be disposed of in the manner authorized by law for the disposition of the personal property of deceased persons; *provided*, every such action shall be brought by and in the name of the personal representative or representatives of such deceased person; *and, provided further*, the jury in every such action may give such damages, pecuniary and exemplary, as they shall deem fair and just, and may take into consideration the pecuniary injury resulting from such death to the kindred as herein named. Proviso.

CHAP. XXXVII.—*An Act to amend an Act entitled "An Act for the purpose of placing the Finances of Lyon County upon a permanent cash basis, and to provide for the payment of the Outstanding Indebtedness of the said county," approved February fourth, one thousand eight hundred and sixty-nine.*

[Approved February 28, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act is hereby amended so as to read as follows: Section Four. On the first day of such regular meeting of such Board of County Commissioners, they, together with the County Auditor and County Treasurer, shall attend at the office of the latter, then and there open all sealed proposals, and accept the lowest bid or bids for the surrender of county accounts allowed and audited, as specified in the preceding section; *provided*, that no bid for more than par value shall be accepted by them; nor any bid, unless accompanied by the account or accounts allowed and audited against said county, proposed to be surrendered; *and, provided further*, that when sealed proposals are applied, as above prescribed, if there be not a sufficient amount of obligations of said county offered to exhaust the money then in said "Redemption Fund" of said county, the Treasurer of said county shall immediately give notice for ten days, as required for sealed proposals, of the amount of money remaining in said fund, and that the same will be applied to the payment of the then oldest outstanding obligations of said county, specifying them by number, payable out of said fund at par, and shall state in such notice that the obligations specified in the notice, if not presented for payment, shall cease to bear interest from and after the expiration of said notice, and the money so specified for their payment shall be reserved in the said fund for that purpose, until called for under such notice; Proposals for surrender of accounts opened.
Lowest bid to be accepted.
Proviso.
Money remaining, how disposed of.

Proviso. *provided*, it be not called for within two years after such notice; such money shall then be applied to the payment of other obligations of said county, payable out of said "Redemption Fund," if there be any such, and if none, then said money shall be placed in the general fund of said county.

CHAP. XXXVIII.—*An Act for the Relief of Peter Goodfellow, County Treasurer of Lincoln County.*

[Approved February 28, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

**Goodfellow,
allowance
to.**

SECTION 1. The Board of County Commissioners of Lincoln County is hereby authorized and directed to allow the sum of one thousand and sixty-eight dollars (\$1,068) on the "General Fund" of said county, in favor of Peter Goodfellow, for services as County Treasurer from July first, one thousand eight hundred and sixty-nine, to July first, one thousand eight hundred and seventy.

CHAP. XXXIX.—*An Act to define and establish the Boundary Lines of Elko County, Nevada.*

[Approved March 1, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

**Boundary
lines de-
fined.**

SECTION 1. The boundary lines of the county of Elko are hereby defined and established as follows, to wit: Commencing at the northwest corner of Utah Territory and running thence south along the western boundary of said Utah Territory to the present southeast corner of Elko County, as established by an Act of the Legislature of the State of Nevada, approved March fifth, eighteen hundred and sixty-nine, thence *east* [west] along the south boundary of said Elko County to the present southwest corner of Elko County; thence north along the east boundary of Lander County to the forty-first parallel of north latitude; thence west with said parallel to the east boundary of Humboldt County; thence north along the east boundary of Humboldt County to the south boundary of Oregon; thence east along the south boundary lines of Oregon and Idaho Territory to the place of beginning.

**Recorder of
Lander Co.
required to
transcribe
records,
etc.**

SEC. 2. The County Recorder of Lander County is hereby authorized and empowered, and it shall be his duty, to transcribe into suitable books, all the records in his custody appertaining or relating to, or affecting the title to any property situated within

the portion of territory taken from the county of Lander and annexed to the county of Elko, by virtue of the alteration and reestablishment of the boundary lines of said Elko County, as described in section one of this Act. Said Recorder shall make suitable index to said records; said transcript and index shall be made as soon as practicable after the passage and approval of this Act, and when completed shall be delivered to the County Recorder of said Elko County, and shall thereafter be kept in his office, and shall have the same force and effect as other county records.

SEC. 3. The Recorder of Lander County shall be entitled to receive as compensation for the services hereby imposed the same fees as now allowed by law for recording and indexing written instruments in his office. His claim for said compensation shall be allowed by the Commissioners of Elko County, on completion and delivery of said transcript and index, and shall be paid as other claims against said county. Compensation.

SEC. 4. All charges, expenses or expenditures incurred, or paid by the county of Lander, by reason of any criminal trials or proceedings had in the District Court of [the] Sixth Judicial District, in or about matters or causes arising in that portion of Lander County which is by section one of this Act ceded and annexed as part of the county of Elko, shall be paid by said county of Elko to said county of Lander, upon the presentation to the County Auditor of Elko County a bill or bills specifying the items therein charged, after the same shall first have been allowed by the Board of County Commissioners of Lander County, and certified to by the District Judge of said Lander County, that each and every item in said bill or bills are correct. Then, in that case, the County Auditor of Elko County is hereby authorized and directed to draw his warrant in favor of the county of Lander for the amounts so certified to, as above provided, to be paid out of the general fund of said Elko County. Charges, etc in criminal trials to be paid to Lander County.

CHAP. XL.—*An Act to amend an Act entitled an "Act to provide Revenue for the support of the Government of the State of Nevada," approved March ninth, one thousand eight hundred and sixty-five.*

[Approved March 1, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section twenty-nine of the Act entitled "An Act to provide revenue for the support of the Government of the State of Nevada," approved March ninth, one thousand eight hundred and sixty-five, is hereby amended so as to read as follows: District Attorneys authorized to commence actions for delinquent Taxes.

Section Twenty-nine. The District or Prosecuting Attorneys of the several counties of this State, are hereby authorized and

directed immediately after the time specified in the preceding section, to commence action in the name of the State of Nevada, against the person or persons so delinquent, and against the real estate and improvements assessed so delinquent, and against all owners or claimants to the same, known or unknown; *provided*, that before commencing any suit for the collection of delinquent taxes, the District Attorney shall submit to the Board of County Commissioners, at a meeting of said Board, to be held for that purpose on the second Monday in December, in each year, the delinquent list showing the several amounts of taxes then delinquent, and from whom due; and said Board of Commissioners shall then, or at such time thereafter as they may deem proper, direct suits to be commenced for the collection of such sums then delinquent, as they may in their judgment deem expedient; and no suit for the collection of delinquent taxes shall be commenced, except by the direction of said Board; *and, provided further*, that nothing herein contained shall be construed to prohibit the District Attorney from commencing any suit for the collection of delinquent taxes, at any time when so directed by the Board of County Commissioners, and all suits brought by the District Attorney for the collection of delinquent taxes, shall be *prima facie* to have been brought by the direction of the Board of County Commissioners.

FEES ALLOWED. SEC. 2. Section thirty-eight of said Act is amended so as to read as follows:

COSTS, HOW TAXED, ETC. Section Thirty-eight. There shall be allowed to all officers except District or Prosecuting Attorneys, the same fees as are allowed in other civil cases. All officers shall perform such services as may be required of them under this Act, without the payment of fees in advance. All costs shall be taxed and entered in the judgment against the person, and the real estate and improvements, when the judgment is the same against all; but if the judgment against the person and the property is for different sums, then the cost may be apportioned by the court as the same may be deemed just; *provided*, that no fees or costs shall be paid to any officer unless the same be collected from the defendant, except when property sold for taxes, is purchased by the county, in which case the said county shall pay all fees and costs properly charged or taxed against such property; and the Board of Commissioners shall allow the fees and costs provided for in this section, and direct the same to be paid out of the general fund of the county.

REPEAL. SEC. 3. All Acts and parts of Acts, in conflict with the provisions of this Act, are hereby repealed.

CHAP. XLI.—*An Act supplementary to, and to repeal an Act of the Legislature of the State of Nevada, entitled "An Act to incorporate the town of Hamilton," approved March sixth, one thousand eight hundred and sixty-nine.*

[Approved March 1, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose hereinafter mentioned, the inhabitants of that portion of White Pine County, embraced within the limits hereinafter set forth in this section, shall be a body corporate and politic, by the name and style of the "Inhabitants of Hamilton City," and by that name, they and their successors, shall be known in law, have perpetual succession, and sue and be sued in all courts. The boundaries of said incorporate city shall be as follows, viz: Commencing at a point two hundred feet north of Hamilton Upper Spring, and running west one mile; thence south one mile; thence east two miles; thence north one mile; thence west one mile to place of beginning. Hamilton City incorporated. Boundaries.

SEC. 2. The corporate powers of said city, shall be vested in a Board of Trustees to consist of five members who shall be re-vested. Corporate powers, how re-vested.

SEC. 3. The officers of said city shall be, five Trustees, a City Clerk, who shall be clerk of the Board of Trustees, and ex-officio City Assessor; a City Marshal, who shall be ex-officio City Collector and Chief of Police; a City Treasurer, a City Attorney and such other officers as are hereinafter authorized to be appointed by the Board of Trustees. Officers.

SEC. 4. No person shall be eligible to the office of Trustee, Clerk, Marshal, Treasurer or Attorney, who shall not have been an actual resident of said city for six months next preceding his election or appointment. Who eligible to office.

SEC. 5. The five Trustees shall be elected by the qualified electors of said city, and all other officers shall be appointed by the Board of Trustees, and hold their offices until otherwise provided by said Board. Trustees to be elected, etc.

SEC. 6. The general election for said city shall be held on the first Monday in June in each year. General election.

SEC. 7. No person shall be allowed to vote for Trustees who shall not be a qualified voter of the State of Nevada, and shall not have actually resided in said city for thirty days next preceding the day of election. Qualification to vote.

SEC. 8. All the provisions of law now in force, and all laws which may be hereafter enacted, regulating elections in the State of Nevada, so far as the same are consistent with the provisions of this Act, shall apply to the election of officers herein provided for. The Board of Trustees, for each election, at least three days prior to the same, shall appoint three judges of election, who shall appoint two clerks, and shall designate the place for holding the polls. Within two days after each election, the judges and clerks of the same, shall make out, sign and deliver, to the five persons receiving the highest number of votes for the office of Trustee, Laws applicable to elections. Judges and clerks of elections.

Statement of votes.	the certificate of their election to such office. Immediately after the votes are counted, the said judges and clerks shall also make out a statement of the number of votes cast for each person severally, for the office of Trustee, which statement shall be certified under oath by a majority of said judges; and they shall cause the same, together with the poll lists and votes duly sealed up, to be delivered to the clerk of the Board of Trustees, who shall keep the sealed packages containing the poll lists and ballots for at least thirty days.
Qualification of trustees.	SEC. 9. The Trustees chosen at any election, shall take the oath of office, and be qualified and enter upon the discharge of their duties within ten days after being notified of their election; and in case any person elected to the office of Trustee shall fail to qualify within said ten days, his office shall be deemed vacant.
President of Board.	SEC. 10. The Board of Trustees so elected shall, at their first meeting or as soon thereafter as may be, elect one of their number President, who shall preside at all meetings of the Board, and discharge such other duties as may be prescribed by the Board of Trustees.
Vacancies, how filled.	SEC. 11. When a vacancy shall occur in the office of Trustee, from any cause, the Board of Trustees shall appoint some person to fill such vacancy, and the person so appointed shall hold his office for the residue of the term of his predecessor.
Regular meetings.	SEC. 12. The Board of Trustees shall have regular meetings, as by adjournment or resolution, as they may direct, and the President may call special meetings whenever he may deem it necessary.
Quorum.	SEC. 13. The majority of the Board of Trustees shall constitute a quorum for the transaction of all business. The Board of Trustees shall determine rules for the government of their own proceedings, and shall be judges of the election and qualification of their own members. All their meetings shall be public, except
Rules.	when the Board deem that the interests of the city require secrecy. A journal of all their proceedings shall be accurately kept by the clerk, and the ayes and nays shall be taken and entered in the journal, upon the passage of any question, at the request of any member.
Meetings.	
Journal, etc.	
General powers of Board.	SEC. 14. The Board of Trustees shall have power: First, To make by-laws and ordinances not repugnant to the Constitution or laws of the United States, or the State of Nevada. Second, To levy and collect taxes on all property within the city, both real and personal, made taxable by law, for State and county purposes, which tax shall not exceed one per centum per annum upon the assessed value of all such property; and to prescribe by ordinance the manner of levying, assessing and collecting taxes, and to make all taxes levied by them a lien upon the property assessed,
Taxes, etc.	from the time of the assessment thereof. Third, To lay out, alter and extend the streets and alleys of the said city; provide for the grading, draining, cleaning, widening, lighting or otherwise improving the same; also, to provide for the construction, repair and preservation of sidewalks, bridges, drains and sewers, and for the prevention and removal of obstructions from the streets and sidewalks. Fourth, To condemn and appropriate to the public use, or to the use of the inhabitants of said city, all real and personal property, when they deem the same necessary for
Streets, etc.	
Condemnation of property, etc.	

the opening of streets or alleys, or for other public purposes. Such property shall be condemned or appropriated in the following manner: The Board of Trustees shall appoint one referee, and the claimant, owner or owners of such property, so to be condemned, shall appoint one referee; and in the event that the two referees so appointed shall not agree upon the valuation of such property or claim, then the two so appointed shall select a third referee, and a decision of a majority of such three, as to the valuation of the property or claim by them appraised, shall be reported by them to the Board of Trustees, and may be by them regarded and held as finally binding; and upon the payment of the sum named by said appraisers for such property to the claimant or owner thereof, or his agent or attorney, such property or claim shall become the property of said city, which may take full and immediate possession of the same; and it may be obtained in the form and manner provided by law where the relation of landlord and tenant exists. In case the owner or owners of property shall refuse or neglect to appoint such referee when required by the Board of Trustees, then the said Board of Trustees shall constitute a Board of Appraisers, and their valuation shall be final and binding; but no act of said Board of Trustees or referees, in the condemnation of property, or any claim, right or title to the same as herein provided, shall be interpreted as an admission on the part of said incorporated city of the legality of such assessed claim, right or title; and in the condemnation of property as in this section provided, said referees, shall consider if the property improvement for which said property is so condemned, shall be of any benefit to the person or persons owning or claiming the said property, and they shall estimate the value of such improvement to him or them, and shall deduct such amount from the estimated value of such property or claim condemned; and whenever the said corporate body shall have become in any manner possessed of any real estate, upon which any improvements shall have been made for the benefit of said city or corporate body, no judgment in ejectment shall be rendered against said city or corporate body, but only judgment for damages in the value of said property, claim, right or title, at the time of taking the possession of it, may be rendered. Fifth, To provide for the prevention and extinguishment of fires; to provide for a sufficient supply of water for extinguishing fires; for fire purposes and fire apparatus; to arrange for, and contract with persons or water companies for same; also, to organize, regulate, establish and disband fire companies, and to provide all apparatus, fixtures and buildings necessary for the fire department, and the use of fire companies. Sixth, Gunpowder. To regulate the storage of gun-powder and other combustibles. Seventh, To prevent and remove nuisances, and also to determine what are nuisances. Eighth, To create and establish a city police, prescribe their duties, fix their compensation, and prescribe rules for the government and regulation of the same. Ninth, To fix and collect a license tax on, and regulate all theatres and theatrical performances, shows, circuses, billiard tables, bowling alleys, and all exhibitions and public amusements; to fix and collect a license tax on, and regulate all saloons, bar-rooms, bankers, brokers, gold dust or bullion buyers, manufacturers, livery stables, express companies, and persons engaged in transmitting letters or pack-

ages; to fix and collect a license tax on, and regulate auctioneers, stock brokers, drays, job-wagons and stage companies or owners, whose place of business is in said city, or who shall have an office or agency therein; to fix and collect a license tax on all raffles, hawkers, peddlers, pawnbrokers, hurdy-gurdy houses and public dance houses; to fix and collect a license tax on all professions, trades or business, not hereinbefore specified, having due regard to the amount of business done by each firm or person thus licensed. Tenth, To provide for the issuance of all licenses herein provided for or fixed by the Board, in such sums, and on such terms, as may be prescribed by ordinance. Eleventh, To levy and collect an annual tax on all dogs, within the limits of said city, and provide for the extermination of all dogs, for which tax shall not have been paid. Twelfth, To provide all necessary public buildings for the use of said city. Thirteenth, To prevent and restrain any riot or riotous assemblage or disorderly conduct within said city; to close all places of business or public amusements, and prohibit and suppress the sale of spirituous liquors on any day of municipal, county or State election. Fourteenth, To establish a Board of Health to prevent the spread of disease, and provide for the indigent sick. Fifteenth, To provide for, and regulate or prohibit, the using of gunpowder or other combustible or explosive material, the use of which, would be likely to endanger the lives or property of the inhabitants. Sixteenth, To divide the city into two or more wards, define the boundaries thereof, and provide for city elections therein. Seventeenth, To fix and prescribe the punishment for the breach of any city ordinance or resolution; but no fine shall be imposed for any offense in any sum greater than five hundred dollars, and no imprisonment shall be prescribed for a longer term than six months. Eighteenth, To determine the duties, fix and establish the fees, salaries and compensation of all officers of said city, and to alter and change the same, whenever they deem it best, and to remove from office any officer appointed by the Board, for misconduct, or whenever the interests of the city require such removal. Nineteenth, To fill all vacancies occurring in the Board of Trustees, from any cause whatever, and to expel a member of the Board for misconduct by a vote of three fifths of the members elected. Twentieth, To make all necessary contracts and agreements for the benefit of the city, but no debt shall be contracted or liability incurred which shall exceed in the aggregate the sum of ten thousand dollars; to appropriate money for any item of expenditure, and appropriate to the use of the city all fines for the breach of any ordinance made by them under the provisions of this Act. Twenty-first, To make ordinances fixing the penalty for all misdemeanor and willful injury to property, now punishable by fine not exceeding five hundred dollars, or six months imprisonment, also to fix a penalty for all cases of assault and assault and battery committed within the city limits, not charged to have been committed upon a public officer in the discharge of his duty, or with intent to murder or do bodily harm.

SEC. 15. It shall be the duty of the Board of Trustees to provide for the accountability of all city officers, and other persons, to whom the receipts or expenditures of any of the funds of said

Same.

Dogs.

Public buildings.

Riots, etc.

Board of Health.

Gunpowder etc.

Wards.

Fines.

Salaries, etc.

Vacancies, etc.

Contracts, etc.

Misdemeanor, etc.

Accountability of officers, etc.

city shall be intrusted by requiring of them sufficient security for the faithful discharge of their duties; to increase or diminish the amount of security to be given by any city officer or other person, whenever they deem it expedient, and in case of neglect of any officer to furnish such security as the Board of Trustees may require of him, within three days after such requirement, they shall declare such office vacant.

SEC. 16. It shall be the duty of the Board of Trustees to make out and publish in some newspaper published in said city, in May and October of each year, a full and detailed statement of all receipts and disbursements, from what source received and for what purpose paid out, during the six months next preceding such report. Report of receipts and expenditures.

SEC. 17. It shall be the duty of every Trustee of said city to attend the regular and special meetings of the Board of Trustees; to act upon committees when appointed thereto by the President, to report to the Board of Trustees any and all city officers whom they may know to be guilty of misconduct in office or any neglect of duty, and to aid to the extent of their ability in enforcing the ordinances, and maintaining the peace and good order of the city. Duties of trustees.

SEC. 18. All taxes and fines imposed, and all scrip issued, shall be made payable in gold coin of the United States. The style of ordinances shall be "The Board of Trustees of Hamilton City do ordain." All ordinances made by the Board of Trustees shall be signed by the President and the clerk of the Board, upon the journal of proceedings, where the same shall be written in full, and shall be published in some newspaper published in said city, within one week after their passage, and shall be so published for not less than two weeks; and all scrip and bonds issued, contracts and agreements made, shall be signed by the President and countersigned by the clerk of said Board, who shall also affix the seal of said city thereto. Fines, etc., payable in gold coin. Style of ordinance, etc.

SEC. 19. The Justices of the Peace in said city, shall be ex-officio City Recorders of Hamilton City, with concurrent jurisdiction; *provided*, that such Justices file, as ex-officio Recorders, such bonds as the Board of Trustees may require of them. City Recorders.

SEC. 20. The Justices of the Peace, who shall be ex-officio City Recorders, shall have jurisdiction of all cases or actions for the violation of any city ordinance, and shall fine, hold to bail or commit to prison, any offender in accordance with the provisions of such ordinances, and also of all cases of misdemeanor and willful injury to property, punishable by fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment; also of all cases of assault, or assault and battery, committed within the limits of said city, not charged to have been committed on a public officer in the discharge of his duty, or with intent to commit murder or do great bodily harm. The said Justices of the Peace, as ex-officio City Recorders, shall have such further jurisdiction as is by general statute conferred upon Recorders' Courts. Such Recorders shall state separately in their dockets, the amount of fine and costs in each case, and all fines imposed by them under the provisions of any city ordinance shall be paid into the city treasury at least once a month. Jurisdiction

**Duties of
Treasurer.**

SEC. 21. It shall be the duty of the Treasurer to register all warrants in the order of their presentation, to receive and receipt for all money that may be paid into the city, and to apportion the same as may be required by ordinance, and disburse the same on proper warrants or orders of the Board of Trustees. He shall at all times keep his books and accounts open for the inspection of the Trustees, citizen or any tax-payers, and shall, whenever required, furnish them with a full statement of all receipts and expenditures. He shall pay all warrants in the order of their registration, and perform such other duties and acts as may be prescribed by ordinance or resolution of the said Board of Trustees.

**Duties of
Clerk.**

SEC. 22. It shall be the duty of the clerk to keep the corporation seal, papers, books and documents belonging to the city; to file the papers and documents in his office under appropriate heads, to attend the sittings of the Board of Trustees, and keep a journal of their proceedings and a record of all the by-laws and ordinances; to make out all warrants and orders drawn on the treasury, specifying therein the services or indebtedness for which each is drawn, and to countersign and affix the seal of the city to all such warrants or orders drawn in pursuance of any resolution of the Board of Trustees; to issue all licenses, countersign the same, and affix the seal of the city thereto; to keep an accurate account in a suitable book under appropriate heads of all warrants and orders drawn on the Treasury; also, to keep in a suitable book under appropriate heads an account of all licenses issued, the date of issuance, and the amount.

**Duties as
City Assessor.**

SEC. 23. It shall be the duty of the City Clerk, as ex-officio City Assessor, to make out and return to the Board of Trustees a complete and correct list of all the property within the limits of said city, taxable by law. The time and mode of making out such list, and returning the same, shall be as prescribed by ordinance; and he shall also do and perform such other duties as may be required of him by any ordinance or resolution of the Board of Trustees.

**Duties of
President.**

SEC. 24. It shall be the duty of the President to preside at all meetings of the Board of Trustees, and to sign all warrants or orders drawn on the treasury, and all licenses issued in pursuance of any ordinance of said city.

**Duties of
City
Attorney.**

SEC. 25. It shall be the duty of the City Attorney to attend to all suits in which the city is interested; to give his advice in writing on any question, when required by the President or Board of Trustees; to attend to all prosecutions in the Recorders' Courts, and do and perform such other duties as may be required of him by the Board of Trustees.

**Duties of
Marshal.**

SEC. 26. It shall be the duty of the Marshal to execute and return any processes issued by the Recorders, or directed to him by any legal authority in all criminal cases, and attend upon the Recorders' Courts, and serve and return all papers issued by said Recorders; to serve and execute all writs, processes, and other papers issued from Justices' Courts in city suits, for which he shall be allowed to charge and collect the same fees as are allowed by law to constables for similar services in civil actions; *provided*, that such fees shall in no case be a charge against the city. He shall arrest all persons guilty of a breach of the peace or of any

city ordinance in his presence, and bring them before the Recorder's Court for trial and examination, and to perform such police and other duties as the Board of Trustees shall by ordinance or resolution direct.

SEC. 27. It shall be the duty of the Marshal, as ex-officio City Collector, to receive and collect all taxes and licenses due the city, and all other revenue due or to become due, and to pay the same over to the Treasurer. The time and manner of such collections and payments shall be such as the Board of Trustees shall, by ordinance or resolution, prescribe. Duties of
Marshal
as Collector.

SEC. 28. The Marshal, Clerk, Assessor, Treasurer and Attorneys shall have power and authority, with the consent of the Board of Trustees, to appoint one or more deputies, and remove them at pleasure; the said officers being at all times liable, on their official bonds, for the acts of such deputies; and such deputies, when appointed, shall have power to perform all or any of the duties of their principals. Deputies.

SEC. 29. Real and personal property may be sold under execution by the City Marshal for taxes or assessments due said city. No property, whether real or personal, which shall be sold for city taxes, shall be subject to redemption, but the property so sold shall immediately vest in the purchaser thereof. The proceedings for the sale of property in cases of non-payment of taxes or assessments, shall be substantially the same as that now prescribed by law for the sale of property for State and County taxes; and the Justices of the Peace shall have the same jurisdiction in all actions for the collection of city taxes as that given them by law in actions for the collection of State and County taxes; and all laws now in force, or which may be hereafter enacted for the purpose of collecting State and County taxes, shall be applicable to proceedings for the collection of taxes for Hamilton City, so far as the same are consistent with the provisions of this Act. Upon the sale of real property for taxes, the Marshal shall execute and deliver a deed for such property to the purchaser thereof, and such deeds shall be received in any and all courts of this State as *prima facie* evidence that grantee therein named, or his successors in interest, have a good and legal title to the premises therein described, and the possession of such property may be obtained in the manner prescribed by law where the relation of landlord and tenant exists; and the certificate of sale of the Marshal for personal property sold for taxes, shall be conclusive evidence of title thereto in the purchaser named in said certificate. Sale of
real and
personal
property
for taxes,
etc.

SEC. 30. Any resolution or ordinance, providing for the appropriation, for any object or purpose, of the sum of three hundred dollars or more, shall lay over and be printed in some newspaper in the city for one week, before final action shall be taken thereon. Resolution,
appropriation to
lay over.

SEC. 31. If any officer of Hamilton City shall remove his residence therefrom, or shall absent himself for more than thirty days without leave of absence from the Board of Trustees, his office shall be declared vacant. Vacancy.

SEC. 32. The fees and compensation of the several officers named in this Act, shall be as follows: The compensation of the Trustees, shall be one hundred dollars each per annum, payable quarterly, at the end of each quarter. The Justices Fees and
compensation of
officers.

of the Peace, as ex-officio City Recorders, shall receive such salary per month as the Board of Trustees may by ordinance provide, and all fines derived under the provisions of this Act shall be paid into the city treasury. The City Marshal as such marshal and Chief of Police, shall receive for his services, such salary as the Board of Trustees may allow, not to exceed one thousand dollars per annum, payable monthly at the end of each month, also as ex-officio City Collector, not to exceed five per centum on all money collected by him and paid over to the City Treasurer. The City Treasurer shall receive not to exceed three per centum on all moneys paid into the city treasury. The City Clerk, for his services as clerk of said Board, and for such other clerical services as may be required of him as such clerk, shall receive a salary not to exceed one thousand dollars per annum, payable monthly, at the end of each month. He shall also receive for his services as ex-officio City Assessor, such sum as the Board of Trustees may allow, not to exceed five dollars per day for such number of days as he is actually employed in his official duties as ex-officio Assessor. The City Attorney shall receive for the year commencing June fifth, A. D. one thousand eight hundred and seventy-one, a salary not to exceed one thousand dollars per annum; and for each year thereafter, not to exceed five hundred dollars per annum, payable in equal monthly installments at the end of each month, and also for such fees for the prosecution of actions for the violation of city ordinances, and such percentage on the collection of delinquent taxes and assessments, as the Board of Trustees may allow. The compensation of all other officers shall be such as is prescribed by ordinance or resolution of the Board of Trustees.

Former
ordinances,
acts, etc.,
legalized.

SEC. 33. Nothing in this Act contained shall repeal or in any manner affect the binding force or validity of any ordinance now in force in said city, or in any manner affect any debt contracted or liability of said city now in existence. All official acts of the present or any previous Board of Trustees, who have acted by virtue of any charter heretofore granted by the Legislature of the State of Nevada to said city herein named, and all taxes and assessments heretofore levied or made by either of said Boards of Trustees are hereby legalized.

Act
repealed.

SEC. 34. On and after the first Monday in June, A. D. one thousand eight hundred and seventy-one, an Act entitled "An Act to incorporate the town of Hamilton," approved March sixth, one thousand eight hundred and sixty nine; shall be and is hereby repealed.

Act to take
effect.

SEC. 35. This Act shall take effect, and be in force on and after the fifth day of June, A. D. eighteen hundred and seventy-one.

CHAP. XLII.—*An Act to provide for fostering and supporting the Nevada Orphan Asylum, a duly incorporated benevolent institution, located at Virginia City, Storey County, State of Nevada.*

[Approved March 1, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of five thousand (5,000) dollars is hereby appropriated and set apart out of any moneys in the State treasury, not otherwise appropriated, for the purpose of carrying out the provisions of this Act; and the money so appropriated and set apart shall constitute a fund to be known and drawn upon as the Orphan Asylum Fund. Appropriation. Fund.

SEC. 2. From and after the date of the passage of this Act the corporate trustees or managers of the Nevada Orphan Asylum shall present monthly to the State Board of Examiners their claims for the actual feeding and clothing expenses of the full orphans under the care of said trustees or managers, and the State Board of Examiners shall audit and allow such claims arising from and after the passage of this Act, against the "Orphan Asylum Fund;" *provided*, that the amount audited and allowed against the "Orphan Asylum Fund" shall not in the aggregate, within the period of two years from the date of the passage of this Act, exceed the sum of five thousand (5,000) dollars, or the sum of two thousand five hundred (2,500) dollars in any one year from and after the date and passage of this Act. Claims to be presented to Board of Examiners. Provision.

SEC. 3. This Act shall take effect from and after the second day of March, one thousand eight hundred and seventy-one.

CHAP. XLIII.—*An Act to amend an Act entitled "An Act to regulate proceedings in civil cases in Courts of Justice of this State and to repeal all other Acts in relation thereto;" approved March eighth, one thousand eight hundred and sixty-nine.*

[Approved March 2, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five hundred and eleven of said Act is hereby amended so as to read as follows:
[Section Five Hundred and Eleven.] No person shall be held to answer to any summons issued against him from a justice's court, in a civil action, in any township, precinct or city, other than the one in which he shall reside, except in the cases following: First, When there shall be no justice's court for the township, precinct or city. in which the defendant Persons held to answer in township of their residence. Exceptions.

may reside, or no justice competent to act in the case. Second, When two or more persons, jointly or jointly and severally bound in debt or contract, or otherwise jointly liable in the same action, and reside in different townships, precincts or cities of the same county, or in different counties, the plaintiff may prosecute his action in a justice's court of the township, precinct or city in which any of the debtors or other person liable may reside. Third, In case of injury to the person, or to real or personal property, the plaintiff may prosecute his action in the township, precinct or city where the injury was committed. Fourth, When personal property, unjustly taken or detained, is claimed, or damages therefor are claimed, the plaintiff may bring his action in any township, precinct or city in which the property may be found, or in which the property was taken. Fifth, When the defendant is a non-resident of the county, he may be sued in any township, precinct or city wherein he may be found. Sixth, When a person has contracted to perform any obligation at a particular place, and resides in another township, precinct or city, he may be sued in the township, precinct or city in which such obligation is to be performed, or in which he resides. Seventh, When the foreclosure of a mortgage or the enforcement of a lien upon real or personal property is sought by action, the plaintiff may sue in the township, precinct or city where the property is situated; *provided*, that in the county seat of any county, and also in every incorporated city, any justice holding court at such county seat, or incorporated city, shall have jurisdiction when the defendant is found within the limits of such county seat or incorporated city, irrespective of the residence of the defendant, and irrespective of township or precinct lines.

Proviso.

CHAP. XLIV.—*An Act supplementary to and amendatory of an Act entitled "An Act to provide for the payment of the outstanding indebtedness of Virginia, Storey County," approved January twenty-seventh, one thousand eight hundred and sixty-five.*

[Approved March 2, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Aldermen and Treasurer prohibited from purchasing warrants, etc.

SECTION 1. From and after the passage of this Act, it shall not be lawful for the Board of Aldermen or Treasurer of said city of Virginia, to purchase out of the redemption fund provided for in the Act of which this is supplementary, any warrant or other legal evidence of indebtedness against said city, except as hereinafter provided for.

Bonds to be prepared for purpose of funding debt.

SEC. 2. For the purpose of funding and paying all legal claims or demands consisting of warrants and other legal evidence of indebtedness against said city, it shall be the duty of the Board of Aldermen of said city immediately after the passage of this Act, to cause to be prepared suitable bonds of said

city of Virginia, not exceeding in the aggregate the whole amount of such indebtedness, expressing on their face what amount thereof is for principal, and what amount thereof is for accumulated interest, said bonds to bear interest on the amount expressed as principal only, at the rate of ten per cent. per annum, from their date, and be payable at the office of the Treasurer of said city, and shall be signed by the Mayor and Clerk, and endorsed by the Treasurer thereof, and shall have the seal of said city affixed thereto.

SEC. 3. All persons or corporations, having or holding any warrant or other legal evidence of indebtedness against said city, shall be entitled to receive bonds therefor, by virtue of this Act, upon presentation of the same to the Treasurer of said city; *provided*, said warrants or other legal evidence of indebtedness, must be presented on or before the first day of July, A. D. one thousand eight hundred and seventy-one, and for any warrant or other legal evidence of indebtedness against said city not so presented, no such bond shall be issued under the provisions of this Act.

Holders of indebtedness entitled to receive bonds. Proviso.

SEC. 4. The Treasurer of said city shall endorse on the back of each warrant, claim or demand so received and liquidated, the date on which the same was received and from whom, the number of the bond exchanged therefor, marking on the face thereof the word "canceled," and such warrant, claim or demand shall be filed and preserved in the office of the clerk of said city.

Treasurer to endorse warrant, etc.

SEC. 5. It shall be the duty of the Mayor of said city, to cause to be published in at least two newspapers having a general circulation, one of which shall be published in said city of Virginia, and the other in the city of San Francisco, in the State of California, a notice to all persons or corporations holding or having under their control any warrant or other legal evidence of indebtedness against said city, to present the same for funding and liquidation on or before the first day of July, A. D. one thousand eight hundred and seventy-one, as provided in this Act, and that for any warrant or other legal evidence of indebtedness aforesaid, not so presented, no bond will be issued under the provisions of this Act. Such notice shall be published for at least sixty days before the first day of July, A. D. one thousand eight hundred and seventy-one.

Notice to be published to holders of indebtedness.

SEC. 6. All bonds taken in exchange for any warrant or other legal evidence of indebtedness under the provisions of this Act, shall be purchasable out of the redemption fund of said city, and shall be redeemed in the same manner as other warrants, bonds or other legal evidence of indebtedness were redeemed under the provisions of the Act of which this is supplemental; and no warrant or other legal evidence of indebtedness against said city, shall hereafter be redeemed or be purchasable out of the redemption fund of said city, unless the same are exchanged for and converted into bonds under the provisions of this Act.

Bonds, how purchasable

SEC. 7. All money or moneys now in the redemption fund of said city of Virginia, and all money or moneys which may come into said redemption fund after the passage of this Act, shall not be disbursed for the payment of any warrant, bond or other legal evidence of indebtedness whatever, against said city as provided in the Act of which this Act is supplemental, until after the first

Money to remain in fund until July 1, 1871.

day of July, A. D. one thousand eight hundred and seventy-one; and all such money or moneys shall remain in the treasury of said city until after said first day of July, A. D. one thousand eight hundred and seventy-one. And the Board of Aldermen of said city of Virginia, and the Treasurer thereof, are hereby expressly prohibited from purchasing or redeeming any warrant, bond or other legal evidence of indebtedness whatever, against said city, until after the first day of July, A. D. one thousand eight hundred and seventy-one.

Money not
to be paid
out except
for expenses

Acts
repealed.

Sec. 8. No money shall be paid out of the treasury of said Virginia City for any purpose or upon any claim other than for the current expenses of said city, except as in this Act provided.

Sec. 9. The Act entitled "An Act supplementary to and amendatory of an Act entitled 'An Act to provide for the payment of the outstanding indebtedness of Virginia City, Storey County,' approved January twenty-seventh, eighteen hundred and sixty-five," and approved March third, one thousand eight hundred and sixty-six, and all Acts and parts of Acts, inconsistent with and repugnant to the provisions of this Act, are hereby repealed.

CHAP. XLV.—*An Act to provide for the preservation of the Manuscript Laws.*

[Approved March 2, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Secretary of
State
required to
cause manu-
script laws,
etc., to be
bound.

SECTION 1. The Secretary of State is hereby authorized, and it is made his duty, within ninety days from the passage of this Act, to cause all the manuscript laws, joint and concurrent resolutions and memorials of the last (1869) session, to be suitably bound in a book, in junk board, marbled, with leather backs and corners. Said manuscripts shall be and remain under his personal supervision while in the process of binding.

Duty in
relation to
binding.

SEC. 2. It shall be the duty of the Secretary of State, after the final adjournment of each session of the Legislature, and after all the laws, joint and concurrent resolutions and memorials have been printed as required by law, to cause all the enrolled bills of such laws, joint and concurrent resolutions and memorials, to be bound in a suitable book in junk board, marbled, with leather backs and corners. It shall be his duty to personally superintend such work, and at all times have immediate control thereof.

Expenses,
how paid.

SEC. 3. The expenses incurred in such work shall be paid by the State in such manner as may be directed by the State Board of Examiners.

CHAP. XLVI.—*An Act to repeal an Act entitled "An Act to prohibit carrying of concealed weapons," approved February 27th, 1867.*

[Approved March 2, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. "An Act to prohibit carrying of concealed weapons," approved February 27th, 1867, is hereby repealed. Act repealed.

CHAP. XLVII.—*An Act to amend an Act entitled "An Act to restrict Gaming."*

[Approved March 2, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of the above entitled Act is hereby amended so as to read as follows:

Section Four. The amount to be paid to the sheriff for a monthly license shall be as follows: In any county in which at the general election next preceding the time of application were polled fifteen hundred or more votes, or in any county created after said general election, one hundred dollars, and in all other counties, seventy-five dollars; *provided*, the applicant may procure a quarterly license, in which case there shall be deducted ten per cent. from the amount of such license. Amount to be paid for monthly license. Proviso.

CHAP. XLVIII.—*An Act to amend an Act entitled "An Act concerning County Recorders and defining their duties," approved March 9th, 1865.*

[Approved March 2, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of the above mentioned Act is hereby amended so as to read as follows: Empowered to take acknowledgments.

Section Two. The County Recorder of the several counties within this State are hereby empowered to take and certify the acknowledgment and proof of all conveyances affecting any real

estate, or of any other written instrument, for which he shall receive the same fees as are now prescribed by law.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. XLIX.—*An Act for the relief of John W. Averill.*

[Approved March 2, 1871.]

Preamble.

WHEREAS, John W. Averill has paid to the State of Nevada the sum of four hundred (400) dollars for southeast quarter of south-east quarter of section eighteen, and southwest quarter of southwest quarter of section seventeen, and west half of north-west quarter of section twenty, township fourteen, north range, twenty east; and, *whereas*, the State of Nevada has no title to said land, and the money so paid by the said Averill has been placed in the school fund; now, therefore,

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows, to wit:

Controller
authorized
to draw
warrant.

SECTION 1. The Controller is hereby authorized to draw his warrant in favor of John W. Averill, for the sum of four hundred (400) dollars in currency, payable out of the "State School Fund," and the State Treasurer is hereby authorized and directed to pay the same out of said fund.

CHAP. L.—*An Act to amend an Act entitled "An Act to amend an Act to provide for organizing and disciplining the Militia of this State, approved March fourth, one thousand eight hundred and sixty-five," approved March twelfth, one thousand eight hundred and sixty-seven.*

[Approved March 2, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Duty of
County
Commissioners in
relation
to care of
public
arms, etc.

SECTION 1. Section twenty-two of said Act is amended to read as follows:

Expenses,
how paid.

Section Twenty-two. It shall be the duty of the Board of County Commissioners of any county in which public arms, accoutrements or military stores are now had, or shall hereafter be received for the use of any volunteer organized militia company, to provide a suitable and safe armory for organized militia companies within such county. The expenses of procuring and maintaining armories shall be paid out of the general fund of the county, to be paid by the County Treasurer on presentation of

the Auditor's certificate that such allowance had been made by the Board of County Commissioners. The Treasurer shall require a receipt of the person presenting said certificate, which shall be received by the State Treasurer as so much money, and be so allowed in the settlement by the County Treasurer with the Controller and Treasurer of State. Treasurer to require receipt, etc.

SEC. 2. Section seventy-one is hereby amended so as to read Uniform. as follows:

Section Seventy-one. Every company, battalion or regiment of organized militia of this State may adopt a uniform for itself, subject, however, to the approval of the commander-in-chief, on inspection and report by the proper officer.

CHAP. LI.—*An Act to appropriate funds for the Preparation and Publication of the sixth and seventh volumes of the Nevada Reports.*

[Approved March 2, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. There is hereby appropriated the sum of thirty-seven hundred dollars, in gold coin, out of any moneys in the State treasury, not otherwise specifically appropriated, for the preparation and publication of the sixth volume of the Nevada reports; and also, a like sum is hereby appropriated as aforesaid for the preparation and publication of the seventh volume of said reports; and on presentation of the proper evidence of acceptance of either volume of said Nevada reports by the Judges of the Supreme Court, or a majority of them, the Controller of State shall draw his warrant on the Treasurer in favor of the commissioner for said sum of thirty-seven hundred dollars for each of said volumes. Appropriation for publishing decisions Supreme Court.

CHAP. LII.—*An Act to prevent the Destruction of Fish in the waters of the State of Nevada.*

[Approved March 2, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall not be lawful for any person or persons, between the first day of January and the first day of September of each year to catch or kill any river, lake, brook or salmon trout in any of the streams, rivers, lakes or other waters within this State, with any seine, gillnet, or any spear, weir, fence, when not lawful to catch fish.

- baskets, trap, explosive material or other substance or imple-
 Same. ments, or in any manner execept by hook and line ; and it shall
 • not be lawful at any time for any person or persons to catch or
 kill such fish in any of the waters in this State by any poisonous,
 deleterious or stupefying drug, explosive material or other sub-
 Misdemean- stance. Any person who shall violate the provisions of this sec-
 or. tion shall be deemed guilty of a misdemeanor, and upon convic-
 Punishment tion thereof shall be punished by a fine of not less than thirty
 dollars or more than three hundred dollars, together with costs
 of suit, or by imprisonment in the county jail in the county in
 which such person or persons shall have been convicted of such
 offense, for a period not less than twenty days nor more than six
 months, or by both such fine and imprisonment.
- Fish-ways SEC. 2. All persons, firms or corporations who have erected
 and ladders mill-dams, water-weirs or other obstructions on rivers or streams,
 to be con- within the waters of this State, shall within thirty days after the
 structed. passage of this Act, construct fish-ways or fish-ladders, at such
 mill-dams, water-weirs or obstructions, so that at all seasons of
 the year, fish may ascend above such dam, weir or obstruction, to
 deposit their spawn. Any person, firm or corporation owning
 Failure to such mill-dam or obstruction who shall fail to construct or keep
 construct, in repair such fish-way or fish-ladder shall be deemed guilty of a
 misdemeanor. misdemeanor, and shall be punished by a fine, upon conviction
 thereof, not exceeding three hundred dollars; *provided*, that
 Punishment nothing in this section shall be construed to apply to the waters
 Proviso. of Carson river, Humboldt river, Reese river, Walker river or any
 of [the] streams in this State situated east of Reese river.
- Repeal. SEC. 3. All other Acts or parts of Acts, so far as they relate to
 the preservation and protection of fish in the waters of this State,
 are hereby repealed.
- SEC. 4. This Act shall take effect and be in force from and
 after its passage.

CHAP. LIII.—*An Act to aid the Nevada Benevolent Association
 in providing means to erect an Insane Asylum.*

[Approved March 3, 1871.]

*The People of the State of Nevada, represented in Senate and As-
 sembly, do enact as follows :*

Gift
 concerts
 authorized.

SECTION 1. It shall be lawful for the Nevada Benevolent Asso-
 ciation of the State of Nevada to give not exceeding three public
 entertainments or concerts, to sell tickets of admission to the
 same; to distribute among the holders of such tickets personal
 property, real estate, things in action, demands or other valua-
 bles, and to regulate the distribution of all such property or gifts
 by raffle or other schemes of like character; *provided*, that such
 entertainment or gift concert, and each of them, shall be man-
 aged and controlled in all respects by the board of managers or
 trustees of said association, and the proceeds thereof, after de-

ducting the costs and expenses, shall be paid into the State treasury and set apart as a fund for the erection and completion of an insane asylum for the State of Nevada; *provided further*, that not less than twenty-five thousand dollars in coin shall be paid into the treasury, as aforesaid, upon the termination and conclusion of each of said entertainments or concerts. Proceeds, how disposed of. Proviso.

SEC. 2. The said association is hereby required to make, execute and deliver to the State of Nevada, a good and sufficient bond, with two or more sureties, to be approved by the Governor, in a sum not exceeding fifty thousand dollars in gold coin, conditioned that said association will well and truly pay into the treasury of the State the sum of not less than twenty-five thousand dollars, in gold coin, at the conclusion of each of the entertainments or concerts provided for in section one of this Act; *provided*, the Governor shall have power to require and take new or additional bonds from said association, conditioned as aforesaid, at any time or times it may be deemed advisable by him. Association to give bond. Proviso.

SEC. 3. All moneys coming into the State treasury from the sources provided for in this Act, shall be and the same are hereby set apart, and shall constitute a special fund, to be known as the "Insane Asylum Building Fund," and the State Treasurer shall report to the Governor the amount received from said sources from time to time, and the Governor shall report the same to the next Legislature. Insane Asylum Building Fund.

SEC. 4. All bonds given and approved under the provisions of this Act shall be filed in the office of the Secretary of State. Bonds, where to be filed.

SEC. 5. Nothing in this Act contained shall be construed as authorizing a lottery in this State, or as allowing the sale of lottery tickets contrary to the provisions of the Constitution. Act, how construed.

CHAP. LIV.—*An Act to provide for properly taking care of the Indigent Insane of the State of Nevada.*

[Approved March 3, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Governor, State Controller and State Treasurer, are hereby constituted a Board of Commissioners for the purpose of providing for the care and maintenance of the indigent insane of this State. Board of Commissioners constituted.

SEC. 2. A majority of said Board shall constitute a quorum for the transaction of business. The Board, as constituted herein, shall have power to purchase a suitable building or buildings of sufficient capacity for the accommodation of all the indigent insane of this State, and land connected therewith not exceeding two hundred acres, or to purchase said quantity of land and erect thereon such building or buildings, and cause the insane of the State now at Stockton, California, to be removed there. Quorum. Power of Board to purchase buildings, etc.

SEC. 3. All debts contracted under the provisions of this Act, shall be allowed and audited in the same manner as other proper charges against the State, and it may be lawful for the Board of Commissioners to pay for any land or lands, and building pur- Debts contracted, how audited and allowed.

chased with the bonds of this State issued under and by virtue of the provisions of the Act, passed at this session of the Legislature, entitled "An Act to authorize a State loan for the purpose of paying the State proportion of the bonds issued under the Act approved February sixth, one thousand eight hundred and sixty-seven, and to fund the floating debt, and place the State upon a permanent cash basis."

District
Judge to
examine
person on
application.

Physicians.

SEC. 4. From and after the passage of this Act, it shall be the duty of the Judge of the District Court in each judicial district in this State upon the application of any person under oath, setting forth that any person by reason of insanity is unsafe to be at large, or is suffering under mental derangement, to cause the said person to be brought before him at such time and place as he may direct, and the said Judge shall also cause to appear at the same time and place one or more licensed practicing physicians who shall proceed to examine the person alleged to be insane, and if said physicians after careful examination, shall certify upon oath that the charge is correct; and if the Judge is satisfied that such person is, by reason of insanity, unsafe to be at large, and is incompetent to provide for his or her own proper care and support, and has no property applicable for such purpose, and has no kindred in the degree of husband or wife, father or mother, children, brothers or sisters, living within this State, of sufficient means and ability to provide properly for such care and support, he shall cause the said indigent insane person to be conveyed to the Insane Asylum of this State, at the cost and expense of the county from which such person shall come, and place the said person in charge of the proper person having charge of said Asylum, together with a copy of the complaint, commitment and physician's certificate, which shall be in such form as the Secretary of State shall prescribe.

Appropri-
ation.

SEC. 5. The sum of fifty thousand dollars is hereby appropriated out of any moneys now in or hereafter coming into the State treasury, not otherwise specially appropriated, for the purpose of carrying out the provisions of this Act, during the years eighteen hundred and seventy-one, and eighteen hundred and seventy-two, and all sums due for the support, care, clothing and all other needful expenses, when certified by said Board of Commissioners, and approved by the Board of Examiners, shall be audited by the Controller and paid by the State Treasurer out of the fund hereby created.

Board
required
to report.

SEC. 6. It shall be the duty of said Board to make a full report of all its proceedings under this Act to the Legislature at each session thereof.

Repeal.

SEC. 7. All Acts and parts of Acts, in conflict with this Act, are hereby repealed.

CHAP. LV.—*An Act to repeal an Act supplementary to an Act entitled "An Act to provide Revenue for the support of the Government of the State of Nevada, approved March 9, 1865, and other Acts amendatory and supplemental thereof," approved March 12, 1867.*

[Approved March 3, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. The above entitled Act is hereby repealed.

Repeal.

CHAP. LVI.—*An Act to provide for the protection of Timbered Lands.*

[Approved March 3, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person or corporation to cut down or remove, or cause to be cut down or removed, any wood, timber or trees on or from any land in this State, to which land this State, or any person or corporation has or may have an inchoate title, or any title less than fee simple, and the provisions of this section shall apply to the owner of such inchoate title, or title less than fee simple, the same as to other persons and corporations. Unlawful to cut or remove timber, etc.

SEC. 2. If any owner of an inchoate title to land in this State, or title to such land less than fee simple, or any other person or corporation, shall violate the provisions of the first section of this Act, such person or corporation shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding five hundred dollars. Misdemeanor.

SEC. 3. If any person shall cut down or remove any tree, wood or timber from any land in this State, to which this State has a fee simple title, or an inchoate title, by reason of grant from the United States, such person shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine as provided in section two of this Act. Same.

SEC. 4. If an issue of fact be joined, as to the title to real estate, in any action under the provisions of this Act, such action shall thereupon be certified by the justice of the peace in whose court it may be pending to the District Court of the same county, and therein tried and finally determined as if the same had been originally commenced therein; *provided*, that nothing in this Act shall be so construed as to affect or impair the provisions of an Act entitled "An Act prescribing the mode of maintaining and defending possessory actions on public lands in this State," ap- Issue of fact as to title to real estate. Proviso. Act, how construed.

Proviso.
Same.

proved March ninth; one thousand eight hundred and sixty-five; and, *provided further*, that nothing in this Act contained shall be so construed as to prevent the cutting and using by actual settlers upon such lands as are herein specified of such wood as may be necessary for domestic uses, or of such timber as may be necessary for making permanent improvements upon such lands.

CHAP. LVII.—*An Act to Incorporate the Town of Gold Hill.*

[Approved March 3, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Town in-
corporated.

SECTION 1. For the purposes hereinafter mentioned, the inhabitants of that portion of Storey County embraced within the limits hereinafter set forth in this section of this Act, shall be a body politic and corporate, by the name and style of "The Town of Gold Hill," and by that name they and their successors shall be known in law, have perpetual succession, and sue and be sued in all courts. The boundaries of said incorporate town shall be as follows: On the north by the southern line of Virginia City, in the county of Storey; on the east by the boundary line between the counties of Storey and Lyon; on the south by the boundary line between the counties of Storey and Lyon, and on the west by the boundary line between the counties of Storey and Washoe.

Boundaries.

Wards.

SEC. 2. The said town corporate is hereby divided into two wards, as follows: All that portion of said town lying north or northerly of the centre of Crown Point street, so far as said street is opened, and also lying north of a line commencing at the centre of the site of the quartz mill known as the "Bowers Mill," and extending due west to the line of Washoe County, and also lying north of a line commencing at the intersection of the centre of Main street and Crown Point street, and extending due east therefrom to the boundary line of Lyon County, shall constitute the First Ward; and all that portion lying south or southerly of the line heretofore in this section of this Act described, shall constitute the Second Ward.

Board of
Trustees.

SEC. 3. The corporate powers of said town shall be vested in a Board of Trustees, to consist of five members, who shall be actual residents of, and owners of real estate in said town, and who shall be chosen three from among the residents of the first ward, and two from among the residents of the second ward. In addition to said Board of Trustees, there shall be a Treasurer elected by the qualified voters of said town.

Term of
office.

SEC. 4. The said Trustees and Treasurer shall hold their offices for one year, and until their successors are elected and qualified, except as hereinafter in this Act provided.

Eligible
to office.

SEC. 5. No person shall be eligible to the office of Trustee or Treasurer unless he be a qualified elector of the State of Nevada,

nor unless he shall have been an actual resident of said town for six months next preceding the election.

SEC. 6. No person shall be entitled to vote at any election for said Trustees or Treasurer unless he shall be a qualified elector of this State, and will have actually resided within the county of Storey for six months, and within the town of Gold Hill for three months next preceding such election; and no person shall be entitled to vote except within the ward in which he resides, and has resided for thirty days next preceding such election.

SEC. 7. The annual elections for Trustees and Treasurer shall be held on the first Monday in May in each year.

SEC. 8. All provisions of law, which now are or hereafter may be in force, regulating elections and providing for the registration of electors, so far as the same may be consistent with the provisions of this Act, shall apply to the election of officers herein provided for. The Board of Trustees shall, for two weeks prior to each annual election, publish notice, in a newspaper published in Storey County, to the effect that such election will take place in said town, for the election of three Trustees in the First Ward and two Trustees in the Second Ward, and a Treasurer, naming the day on which such election will be held, and designating the polling places and the names of three Inspectors of Election for each ward. Soon as the votes are counted and tallied in each ward, the inspectors and clerks shall make out a statement showing the number of votes cast in each ward for the office of Trustee, and of Treasurer, and for each person severally, which statement shall be certified under oath or affirmation, by at least two of said inspectors and two clerks, and they shall cause the same, together with the polling and tally lists, and tickets, duly sealed up in a package, to be delivered to the Board of Trustees, or the clerk thereof, within two days after such election. Within three days after the receipt of the same, the Board of Trustees shall proceed to reexamine and ascertain from such statement and tally lists, what persons received the greatest number of votes for the office of Trustees and of Treasurer, and a certificate of election shall be forthwith issued by the clerk, under the direction and supervision of the board, to the person or persons having received the greatest number of votes for each of said offices. The clerk shall, without unreasonable delay, deliver said certificates to the person or persons for whom they are intended, and he or his successor shall safely keep the packages of tickets, together with the tally lists, and all other papers relating to such election, for forty days from and after the day of election, when, if no notice of contest in such election shall have been served on him, he may destroy the same. Any qualified elector in said town shall have the right to contest the election of any person declared elected a Trustee or Treasurer, as provided in this section of this Act, and such contest shall be conducted in the manner required by the laws that now are or hereafter may be enacted by the Legislature, for contesting county or precinct elections.

SEC. 9. The Trustees and Treasurer chosen at any election held under this Act shall take the official oath provided by law, and enter upon the discharge of their official duties within five days after due notice of their election, and in case any Trustee or Treasurer shall fail to qualify within said time, his office shall

be declared vacant; *provided*, that in case the person so elected be absent from the county at the time of his election, he shall be allowed twenty days in which to return and enter upon the duties of his office.

President
of Board.

Proviso.

Vacancy.

Board to
appoint
certain
officers.

Proviso.

Regular
meetings.

Quorum.

Rules, etc.

SEC. 10. The Board of Trustees so elected shall, at their first meeting, or as soon thereafter as may be, select one of their number as President, who shall preside at their meetings, and perform such other duties as said Board may prescribe; *provided*, that it shall be his duty to make out on the third Monday in April of each year, and cause to be published either in a newspaper published in Storey County, or by posting in not less than five public and conspicuous places in said town, a full and correct statement of the financial condition of the town, showing the total indebtedness thereof.

SEC. 11. Whenever a vacancy shall occur in the office of Treasurer, the Board of Trustees shall fill such vacancy; *and*, *provided further*, that whenever a vacancy shall occur in the office of Trustee, the remainder of said Board of Trustees, or a majority thereof, shall, at their next regular meeting held after the said vacancy shall have occurred, appoint some person to fill such vacancy; *provided*, that the person so appointed must be eligible to the office under the requirements of sections three, five and six of this Act.

SEC. 12. The Board of Trustees shall have discretionary power to appoint a clerk, an attorney and a marshal, at such rates of salary or contingent compensation as said Board may determine. The Board may also employ such other assistance or laborers as may be, from time to time, required for the assessment or collection of taxes or licenses, or the care and repair of streets, water works or other town property. Any of the aforesaid officers or employes, in this section provided for, may be by said Trustees removed or discharged, or the office or position abolished, as circumstances and a due sense of economy may require; *provided*, that the salary of the Marshal shall not exceed, including compensation for assessing and collecting town taxes and licenses, the sum of two thousand dollars per annum.

SEC. 13. The Board of Trustees shall hold regular meetings on the first and third Mondays in each month, and such other meetings as by adjournment or resolution they may determine, but the President of the Board shall have power to call special meetings whenever, in his judgment, it may be necessary.

SEC. 14. A majority of the Board of Trustees shall constitute a quorum for business, but a less number may adjourn from time to time, and may compel the attendance of absent members, by peremptory order, or by resolution imposing fine not to exceed ten dollars for any one meeting.

SEC. 15. The Board of Trustees shall adopt rules for the government of their own proceedings, and shall be the judges of the election and qualification of their own members, subject, however, to the decision of the District Court of the First Judicial District in cases of contested elections. Their meetings shall be public, except when the Board shall decide that the interests of the town require secrecy. A journal of all proceedings of the Board shall be kept by the clerk, and the ayes and noes shall be taken at the request of any member, and shall be entered in the journal.

SEC. 16. The Board of Trustees shall have power: First, To make by-laws and ordinances not repugnant to the constitution and laws of the State of Nevada. Second, To levy and collect taxes on all real and personal property within the town, made taxable by the laws of this State, for State and county purposes, which are now in force or may hereafter be enacted, except proceeds of mines, which shall not be subject to taxation, which tax shall not exceed one and three fourths per centum per annum on the assessed value of all property, with not to exceed ten per centum on the amount of such tax additional thereto, as a penalty on all delinquent taxes; *provided*, that they shall have further power, when in their opinion it may become necessary and expedient, to levy an additional tax, not to exceed five cents on each and every one hundred dollars valuation of all property, for the continuous maintenance of the public schools of said town, said tax to be collected at the same time and in the same manner as other taxes in this Act provided for. Third, To lay out or extend, open, alter or repair all streets and alleys, and provide for opening, grading, widening, draining, cleaning and lighting, or otherwise improving the same. Also, to provide for the construction, repair, preservation and cleaning off all sidewalks, crosswalks, bridges, sewers and drains. To prevent obstructions being erected or placed in any of the streets, alleys or sidewalks, or the use of any sewers or drains as cesspools, and for the removal of the same. To compel the owners of lots and property to bear the expense of erecting sidewalks, or improving the road or streets in front of the same, by special tax or otherwise. To condemn property for the use or benefit of the town, in the following manner: The Board of Trustees shall appoint one referee, and the owner or owners of the property to be condemned shall appoint one referee, and in the event that the two referees so appointed shall fail to agree in the valuation of the property, the two so selected shall appoint a third referee, and the valuation of such property agreed to by such referees, or two of them, shall be final and binding upon the parties, unless the person or persons aggrieved by the decision of such referees, shall appeal from such decision or valuation to the District Court of the First Judicial District within thirty days after notice of such valuation shall have been served on him or them. Fourth, To provide for the prevention and extinguishment of fires; also to organize, regulate, establish, locate or disband fire or hose companies. Fifth, To regulate the storage of gunpowder, and other explosive or combustible material. Sixth, To prevent and remove nuisance; also, to determine what are nuisances. Seventh, To employ policemen, and prescribe their duties and compensation, and provide for the regulation and government of the same. Eighth, To fix and collect a license tax on and regulate all theatres, circuses, shows, billiard tables, bowling alleys, and all other exhibitions and amusements. Ninth, To fix and collect a license tax on bar-rooms, hurdy-gurdy houses, and public dance houses; on auctioneers, hawkers, peddlers, and all dealers in liquors; on all drays, job wagons or carts, or any other public vehicle running within the limits of said town for hire; also to fix and collect a license tax on all trades and business not heretofore specified or enumerated, having due regard to the amount of business done by each

Same.

person or firm so licensed. Tenth, To license, tax and regulate, prohibit and suppress all tippling houses, dram shops, public card tables, raffles, hawkers, peddlers and pawnbrokers, gambling houses, disorderly houses, and houses of ill fame; *provided, however*, that nothing in this section of this Act contained, shall be construed as granting power to suppress gaming when the same shall have been authorized by license, issued by proper authority, pursuant to the provisions of an Act entitled "An Act to restrict gaming," passed March fourth, one thousand eight hundred and sixty-nine, or any Act amendatory thereof. Eleventh, To levy and collect an annual tax on all dogs owned or kept within the limits of said town, and to provide for the extermination of all dogs for which such tax shall not have been paid, and to prohibit the keeping of hogs, or the running at large of goats or cows within the corporate limits of said town. Twelfth, To provide for the issuance of licenses before named, for such terms and in such sums as they may consider best: *provided*, that the several kinds of business or occupations to be licensed, shall be classified by ordinance, into two or more classes, with a specific or certain rate of license provided for each class, and the blank certificates of license for each class, including the fixed sum to be paid therefor by the licensee, shall be printed and numbered. Thirteenth, To provide all necessary buildings for public use of said town. Fourteenth, To establish a Board of Health, and define their powers and duties; to prevent the introduction or spread of disease, and to provide for the indigent. Fifteenth, To prevent and restrain any riot or riotous assemblage or disorderly conduct, and to prohibit and suppress the sale of spirituous or malt liquors or wines on any day of municipal, county or general election. Sixteenth, To fix and prescribe the punishment for the breach of any town ordinance or resolution, but no fine shall be imposed for any offense in any sum greater than five hundred dollars, and no term of imprisonment shall be prescribed exceeding six months. Seventeenth, To determine the duties and fix and establish the fees, salaries, compensation and emoluments of all officers and employes of said town; *provided*, that the Trustees shall not receive, or be entitled to receive, for their services as such, any sum whatever. Eighteenth, To compel the attendance of absent members, to punish members for disorderly conduct, and to expel a member for cause by a vote of four fifths. Nineteenth, To make all necessary contracts and agreements for the benefit of the town; and to contract debts on the faith of the town, but no debt shall be contracted, or liability incurred, except on a cash basis. To issue and sell bonds bearing interest at a rate not to exceed eighteen per centum per annum, for the purpose of creating a contingent fund for current expenses, or for the purpose of paying, retiring and canceling any bonds or warrants, or other outstanding claims already existing against the town; *provided*, that the aggregate of liabilities outstanding shall not at any time exceed the sum of seventy thousand dollars. Twentieth, The said Board of Trustees shall not create a debt against the town for printing, in a greater sum than five hundred dollars per annum.

Redemption
fund, etc.

SEC. 17. One half of the revenue arising from the collection of taxes, as provided in the second subdivision of section sixteen

of this Act, shall be set apart as a Redemption Fund, which fund shall be used exclusively for the payment of the outstanding indebtedness of the town, in the manner hereinafter in this Act provided. The remaining one half of said revenue, together with all revenue derived from licenses, fines, and other sources, shall be set apart as a Contingent Fund, and used to defray the current expenses of the town.

SEC. 18. No money shall be paid out of the "Redemption Fund," except by order of at least four members of the Board of Trustees, and in the manner by them directed; and it shall be their duty, from time to time, when there shall be, in their judgment, a sufficient sum of money in the "Redemption Fund," over and above the interest accrued or shortly to accrue on bonds outstanding, to give notice for at least five days, by publication in a newspaper published in Storey County, that sealed proposals, directed to the President of the Board of Trustees of the town of Gold Hill, will be received until a day and hour stated in such notice for the surrender of warrants, bonds, or other legal evidences of indebtedness of said corporate body, known as "The Town of Gold Hill."

Money, how paid out.

Proposals for surrender of indebtedness.

SEC. 19. At the expiration of the time named in said notice, the Board of Trustees shall meet and open such sealed proposals, and they shall accept the lowest and best bids or proposals for the surrender of said evidences of indebtedness specified in the preceding section of this Act, but no bid or proposal to surrender any such evidence of indebtedness at a higher rate than par value shall ever be accepted. Whenever any bids or proposals are accepted, the clerk of the Board shall make a record in the journal of proceedings, describing the warrants or bonds, or other written evidence of indebtedness to be redeemed, specifying the face or par value of the same, also the amount to be paid therefor, together with the number and date of issue, and such legal evidence of indebtedness shall be, by a vote of the Board, ordered paid, and soon as paid the clerk shall cancel the same, by writing in red ink, across the face of the same, the words: "Redeemed by payment of the sum of — dollars, in coin, this — day of —, 18—." Which sum shall be paid out of the "Redemption Fund," and all such evidence of indebtedness shall be filed away and preserved by the Treasurer.

Proposals opened, etc.

SEC. 20. All legal claims or demands whatsoever existing or outstanding against said "Town of Gold Hill," at the time of this Act going into effect may be purchasable as provided in sections eighteen and nineteen of this Act, and paid out of said redemption fund.

Indebtedness, how purchasable and paid.

SEC. 21. All ordinances, contracts or agreements passed or made, and all bonds, warrants, or other evidences of indebtedness issued by such Board of Trustees, shall be held invalid unless signed by the President of said Board and countersigned by the clerk.

Evidences of indebtedness, etc., to be signed.

SEC. 22. Whenever there shall be more than sufficient money in the contingent fund to pay the current expenses of the town, the Board of Trustees shall have power to transfer a portion thereof to the redemption fund, to be used as is by this Act provided for other moneys in said fund.

Board to transfer fund.

Statement of finances. SEC. 23. The Board of Trustees shall make out and publish, for at least three days in a newspaper published in Storey County, in the months of January, April, July and October, of each year, a full and detailed statement of the receipts and disbursements, from what sources received, and for what purpose paid out, during the three months next preceding such report.

Accountability of officers. SEC. 24. It shall be the duty of the Board of Trustees to provide for the accountability of all officers or employés elected or appointed under this Act, to whom the receipt or expenditure of any of the funds of this corporation may be intrusted, by requiring of each of them sufficient security for the faithful and honest performance of their respective duties; and in case of neglect or refusal on the part of any of such officers or employés to furnish such security to the satisfaction of said Board, within ten days after notice of such requirement, the said Board of Trustees may discharge such officer or employé, and proceed to appoint some other person to fill his place.

Assessment and collection of taxes. SEC. 25. Real and personal property may be sold for taxes due said town, by the Marshal, if there be a Marshal, and if no Marshal be appointed, then and in that case by the Constable of Township No. Three of said Storey County. The manner of assessing and collecting taxes shall be prescribed by ordinance, and title upon sale of property for taxes, either real or personal, or mixed, shall vest in the purchaser, to be provided for by ordinance. The Marshal, or Constable, as the case may be, shall, upon sale of real property for taxes, execute and deliver a deed of such property to the purchaser thereof, and such deed shall be received in any and all courts in this State as *prima facie* evidence that the grantee or grantees named in said deed, or his or their successors in interest have a good and legal title to the premises described therein; and possession of such property may be obtained in the form and manner provided by law, where the relation of landlord and tenant exists.

Duties of Treasurer. SEC. 26. It shall be the duty of the Treasurer to receive all moneys derived from any source for the benefit of said town, and he alone shall disburse the same on proper warrants or orders of the Board of Trustees. He shall keep an accurate and full account of all receipts and disbursements, and furnish the Board a full statement of the same whenever required, and his books shall be kept posted and subject to the examination of any member of the Board. All warrants and orders drawn on the Treasurer shall specifically show on their face for what service or indebtedness they are drawn and on what fund; and shall be paid in the regular order of registration on the Treasurer's books. The Treasurer shall perform such other duties as may be prescribed by ordinance or resolution of the Board.

Provisions for collection of taxes, etc. SEC. 27. The Board of Trustees shall make suitable provision from time to time for the assessment and collection of taxes and licenses and all other revenue due, or to become due to said town of Gold Hill, and the person or persons charged with the collection of such revenue shall pay all moneys by him or them collected, after deducting the percentage allowed by ordinance or resolution for collection, at least once in each week to the Treasurer. The time and manner of assessing and collect-

ing shall be such as the Board of Trustees may by ordinance prescribe.

SEC. 28. The clerk shall keep the corporate seal, books and papers belonging to the town and file all papers belonging to the town, in his office, under appropriate heads; attend all meetings of the Board of Trustees, and keep an accurate journal of their proceedings, including a record of all ordinances, by-laws, or resolutions passed or adopted by them, which journal shall, after approval at each meeting, be signed by the President of the Board. He shall also countersign and affix the corporate seal to all bonds or warrants issued in pursuance of the ordinances or resolutions of the Board. He shall number and countersign all licenses, which licenses shall be printed, showing on their face the class of license, with marginal stubs attached and stitched together in books, each book containing an equal number and of one class only. He shall be the custodian of the blank licenses, and shall deliver from time to time such number thereof to the person authorized to collect license as the Board may direct, charging him therewith at their face or representative value, and giving him credit at the same rate for so many thereof only as he may return at time of settlement of his account. The clerk shall also keep an accurate account of all bonds issued, and all warrants and orders drawn on the Treasurer, in such manner that the Board can at any time readily ascertain the actual outstanding indebtedness; and perform such other duties as may be required by the Board. Duties of Clerk.

SEC. 29. Upon the passage of ordinances, or of any resolution appropriating money abolishing licenses, or increasing or reducing the rates of licenses, the yeas and nays shall be called, and entered in the journal.

SEC. 30. The style of all ordinances shall be: "The Board of Trustees of Gold Hill do ordain." All ordinances shall be published for one week in a newspaper published in Storey County, prior to going into effect. Style of ordinance.

SEC. 31. Civil actions may be brought in the name of "The Town of Gold Hill," in any court of competent jurisdiction, and actions for the violation of any ordinance of said town may be brought before any Justice of the Peace having jurisdiction within the corporate limits of said town, and fines imposed by such justice may be recovered by execution against the property of the defendant, or the payment thereof may be enforced by imprisonment in the town jail, at the rate of one day for each two dollars of such fine and costs, or said justice may, in his discretion, adjudge and enter up in his docket, an order that such offender shall work on the streets or public works, at the rate of one day for each two dollars of such fine and costs, until the same be so exhausted, or otherwise satisfied; *provided, however*, that appeals may be taken from the judgment of such justice for the violation of ordinances to the court of the First Judicial District, in the manner provided by law for appeals from Justice's Courts in criminal actions; *and, provided further*, that in the trial of offenses for the violation of town ordinances, no change of venue to any Justice's Court beyond the limit of said town corporate shall be granted. How actions may be brought. Proviso. Appeal. Venue.

Justices' fees.

Report.

SEC. 32. Any Justice of the Peace within the corporate limits of said town shall be entitled to such fees in the trial of cases arising out of violations of ordinances passed by the Board of Trustees, as said Board may by ordinance determine. It shall be the duty of such justice to report to the Board at their first regular meeting in January, April, July and October, of each year, which report shall show in detail the number of cases tried, the names of the defendants, the amount of fine imposed, the sum of money received in payment of such fine, the amount paid out for fees in the case, and to whom paid, and the balance remaining on hand, which balance he shall pay over at the close of each quarter year to the Treasurer, taking his receipt therefor, which receipt shall accompany his report to the Board of Trustees, and his docket of such cases shall always be open to the examination of said Board, or a committee thereof.

Attorney's fees.

SEC. 33. The attorney for the town, whenever one may be appointed, shall receive or be entitled to receive, such fees, either contingent or fixed, as the Board may determine; *provided*, in the prosecution of suits in Justice's Court for the collection of delinquent taxes the attorney's fee shall not exceed the sum of seven dollars and fifty cents in each case.

Vacancy in office.

SEC. 34. If any officer of said town shall remove his residence therefrom, or absent himself for more than thirty days without leave from the Board of Trustees, his office shall be declared vacant, and the vacancy shall be filled as in this Act provided.

Present officers to remain in office, etc.

SEC. 35. The present officers of the town of Gold Hill shall remain in office until their successors shall be elected or appointed and qualified as provided and required in this Act; and nothing in this Act contained shall be construed as repealing, or in any manner affecting the force or validity of any ordinance or resolution now in force, nor as affecting the validity of any debt, liability or contract now existing. All debts or liabilities contracted or incurred either by the present Board or any former Board of Trustees, for which the faith and credit of the town has been pledged, or bonds or warrants or other written evidences of indebtedness have been issued, are hereby by this Act legalized and made valid liabilities against said town.

Property, etc., under jurisdiction of corporate body.

SEC. 36. All property, whether real or personal, acquired in the name of, and for the benefit of said town, by virtue of any former Act of the Legislature or by any act or ordinance of any Board of Trustees, shall be the property of the corporate body created by this Act and known as "The Town of Gold Hill." All streets, alleys or avenues within said corporate town, laid out and platted in an official map of said town, drawn by George Hunt, C. E., in the year one thousand eight hundred and sixty-three, or in the official map of said town drawn by John Ostrom, C. E., in the year one thousand eight hundred and sixty-four, are hereby declared to be open and public streets and exclusively under the control and jurisdiction of the Board of Trustees.

Acts repealed.

SEC. 37. An Act entitled "An Act to incorporate the Town of Gold Hill," approved December seventeenth, one thousand eight hundred and sixty-two; an Act entitled "An Act to amend an Act entitled an Act to incorporate the Town of Gold Hill, approved December the seventeenth," approved February eighteenth, one thousand eight hundred and sixty-four; an Act entitled "An Act

to incorporate the Town of Gold Hill," approved March seventh, one thousand eight hundred and sixty-five; an Act entitled "An Act to amend an Act entitled An Act to incorporate the Town of Gold Hill, approved March seventh, one thousand eight hundred and sixty-five," approved February twenty-fourth, one thousand eight hundred and sixty-six; also, an Act entitled "An Act to provide for the payment of outstanding indebtedness of the Town of Gold Hill, Storey County," approved March ninth, one thousand eight hundred and sixty-five; an Act entitled "An Act to provide for the outstanding indebtedness of the Town of Gold Hill," approved March third, one thousand eight hundred and sixty-six; an Act entitled "An Act to incorporate the Town of Gold Hill," approved February twenty-fifth, one thousand eight hundred and sixty-nine, and each and every preceding Act relating to the incorporation of the town of Gold Hill, are hereby repealed.

SEC. 38. This Act shall go into effect on the first day of May, Anno Domini eighteen hundred and seventy-one.

CHAP. LVIII.—*An Act to secure Liens to Mechanics and others and to repeal all other Acts in relation thereto.*

[Approved March 4, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. All artisans, mechanics and others who shall perform work or labor, or furnish materials to the amount of twenty-five dollars or more, for the construction or repairing of any building or other superstructure, shall have and may claim and hold a lien upon such building or superstructure, for the amount and value of the work and labor so performed, or materials furnished, by each respectively. Who entitled to lien on building

SEC. 2. Any person claiming a lien, as provided in section one of this Act, and wishing to avail himself of the benefits thereof, shall file in the County Recorder's office of the county in which such building or superstructure is situated, within sixty days after such buildings or superstructure, work of construction, or any repairs, shall have been completed, a statement containing: First, a notice of intention to claim and hold a lien. Second, A description of the property to be charged therewith. Third, An abstract of indebtedness, showing the whole amount of debit, whole amount of credit, and the balance due to the claimant, which abstract of indebtedness shall be verified by the claimant, or by some other person in his behalf. And it shall be the duty of the County Recorder to file and record such statement in a separate book provided for that purpose; and from the time of such filing, all persons shall be deemed to have notice thereof. And provided that when such lien is claimed by a sub-contractor, journeyman, or any other person than a contractor, performing work or Statement to be filed.

labor, or furnishing materials, the statement aforesaid shall be filed within thirty days after the time when the last work or labor was performed, or the last materials were furnished by him. And within ten days after the filing of the statement aforesaid, he shall serve a copy thereof on the owner or owners of such building or superstructure, or the agent of such owner or owners, by delivering the same personally, or by posting the same in a conspicuous place on the building or superstructure to be charged with said lien.

Copy of,
to be served

Lien to
laborers on
railroads,
etc.

Statement
to be filed.

Sub-con-
tractor, etc.

Statement.

Service.

Lien to
extend to
franchise,
etc.

Lien to
miners, etc.

Sub-con-
tractor.

SEC. 3. All mechanics, laborers, and others who shall perform work or labor, or furnish materials, to the amount of twenty-five dollars or more, for the construction or repairing of any railroad, tramway, toll road, canal, water ditch, flume, aqueduct or reservoir, shall have and may, each respectively, claim and hold a lien upon such railroad, tramway, toll road, canal, water ditch, flume, aqueduct or reservoir, for the amount and value of the work or labor so performed, or material furnished, by filing in the County Recorder's office of the county in which the property to be charged with such lien is situated, within sixty days after such railroad, tramway, toll road, canal, water ditch, flume, aqueduct or reservoir, or repairs, shall have been completed, a statement as required by section two of this Act, or if such lien is claimed by a sub-contractor, journeyman, or any other person than a contractor, performing work or labor or furnishing materials, then by filing such statement within thirty days after the time when the last work or labor was performed, or the last materials were furnished by him, and by serving a copy of such statement upon the owner or owners of such property, or the agent of such owners or owners within the time and in the manner, except as to posting, provided in said section. And in case personal service cannot be had, service may be made by depositing a copy of said statement, postage paid, in the postoffice, directed to such owners or owners, or such agent, at his or their last known place of residence. And any lien so claimed shall extend to and include all franchises, charter privileges, and rights of way that may in anywise pertain to any such railroad, tramway, toll road, canal, water ditch, flume, aqueduct or reservoir.

SEC. 4. All miners, laborers, and others who work or labor to the amount of twenty-five dollars or more, in or upon any mine, lode or deposit yielding metals or minerals of any kind, or upon any shaft, tunnel, adit, or other excavation designed or used for the purpose of draining or working any such mine, lode or deposit; and all persons who shall furnish any timber or other materials, to the amount of twenty-five dollars or more, to be used in or about any such mine, lode or deposit, shall have and may, each respectively, claim and hold a lien upon such mine, lode or deposit, for the amount and value of the work or labor so performed, or materials furnished, by filing in the County Recorder's office of the county in which such mine, lode or deposit is situated, within sixty days after the time when the last work or labor was performed, or the last materials were furnished by him, a statement as required by section two of this Act. Or if such lien is claimed by a sub-contractor, or any other person than a contractor, performing work or labor, or furnishing materials, then by filing such statement within thirty days after the time when the last

work or labor was performed, or the last materials were furnished by him, and by serving a copy of such statement upon the owner or owners of such mine, lode or deposit, or his or their agent, within the time and in the manner provided in section three (3) of this Act; *and, provided,* that when two or more such lodes or deposits, owned or claimed by the same person or persons, shall be worked through a common shaft, tunnel, incline or adit, then all the lodes or deposits so worked shall, for the purposes of this Act, be deemed one mine. proviso.

SEC. 5. All laborers and other persons, who shall perform work or labor to the amount of twenty-five dollars or more upon any building lot or lots, in any city, town or village, or for the purpose of improving such lot or lots, by filling in or grading such lot or lots, shall have and may, each respectively, claim and hold a lien upon such lot or lots, for the amount and value of the work or labor so performed, by filing in the County Recorder's office of the county in which such lot or lots are situated, within sixty days after the time when the last work or labor was performed by him, a statement as required by section two of this Act. Or if such lien is claimed by a sub-contractor, or any other person than a contractor, performing work or labor, then by filing such statement within thirty days after the time when such work or labor was performed by him, and by serving a copy of such statement upon the owner or owners of such lot or lots, within the time and in the manner provided in said section. Liens to laborers and others on lots.
Sub-contractor.

SEC. 6. Every sub-contractor, journeyman, laborer or other person performing work or labor, or furnishing materials, shall, under the provisions of this Act, have a valid lien upon the building or superstructure, or other property upon which a lien may be claimed, as hereinbefore provided, and upon which such work or labor was performed, or for which such materials were furnished, to the extent of the amount due from the owner or owners, to the contractor at the time of the service of the notice aforesaid, or the amount thereafter to become due regardless of any claims the contractor, at whose instance such work or labor was performed or materials were furnished, may have against the owner or owners of such building or superstructure, or other property; and if any money be due, or is to become due, under the contract from the owner or owners to such contractor, upon being served with a copy of the statement, as provided in section two of this Act, by a sub-contractor, journeyman or laborer as aforesaid, such owner or owners may withhold out of any moneys due, or to become due under the contract, a sufficient amount to satisfy the lien claimed by such sub-contractor, journeyman or laborer, until the validity thereof shall have been established by proper legal proceedings, if the same be contested; and if so established, the amount thereof shall be a valid set-off to that extent in favor of such owner or owners, and against the contractor. And after such copy of the statement shall have been properly served upon such owner or owners, in case of failure to comply with the provisions of this section, then such sub-contractor, journeyman or laborer, may sue and recover from such owner or owners, the amount of any damages he may have sustained by reason of such failure. And no payment of money, made fraudulently by such owner or owners to such contractor, for the pur- Sub-contractors, etc. to have valid lien.
May sue and recover.

pose of avoiding any anticipated lien of a sub-contractor, journeyman or laborer shall be valid as against such sub-contractor, journeyman or laborer, but shall as against them be held and deemed as not having been made, and no sub-contractor, journeyman or laborer, who fraudulently files or claims a lien for more than is due him or them, shall enforce the same or any part thereof, as against other sub-contractors, journeyman or laborers. No attachment served upon any money due a contractor from the owner or owners of any building or superstructure, or other property upon which a lien has been claimed, by a sub-contractor, journeyman or laborer, shall be valid until such lien shall have been satisfied or adversely determined or barred by limitation.

Land
occupied by
building,
etc., subject
to liens.

SEC. 7. The land occupied by any building or superstructure, railroad, tramway, toll road, canal, water ditch, flume, aqueduct or reservoir, mine, lode or deposit, building lot or lots, and so much land contiguous to any building or superstructure, railroad, tramway, toll road, canal, water ditch, flume, aqueduct or reservoir, building lot or lots, mine, lode or deposit, as may be necessary for the convenient use and occupation of the same, shall be subject to the liens hereinbefore provided for, if at the time the work or labor was commenced or the first materials were furnished, such land was owned by, or was in the possession of, under a *bona fide* claim of title, the person or persons for whom, or at whose instance such work or labor was performed or materials were furnished; but if such person or persons hold less than a fee simple estate in such land, then only his or their interest therein shall be subject to such lien. And all liens herein provided for, shall be preferred to every other lien or incumbrance which shall attach upon any property made subject thereto, subsequent to the time when the work or labor was commenced, or the first of the materials were furnished, and also to all mortgages and other incumbrances unrecorded at the time such work or labor was commenced, or the first of the materials were furnished; but nothing herein contained shall be construed as impairing any valid incumbrance upon any such land duly made and recorded before such work or labor was commenced, or the first of such materials were furnished.

Preference
of lien.

Limitation.

SEC. 8. No lien claimed as hereinbefore provided shall continue, or bind any building or superstructure, or other property made subject thereto by the provisions of this Act, for a longer period than six months from the time of filing the same, unless an action be commenced in some court of competent jurisdiction within that time to enforce the same, nor shall any such lien be continued for a longer period by any agreement to give credit thereon.

How
enforced.

SEC. 9. Said liens may be enforced by an action in any court of competent jurisdiction, on setting out in the complaint the particulars of the demand, with a description of the premises sought to be charged with the lien; and at the time of filing the complaint and issuing the summons, the plaintiff shall cause a notice to be published, at least once a week for three consecutive weeks, in some newspaper published in the county, if there be one, and if not, then in such mode as the court may determine, notifying all persons holding or claiming liens under the provisions of this Act, on said premises, to be and appear in said court

on a day specified therein, and during a regular term of such court, and to exhibit then and there the proof of their said liens. On the day appointed the court shall enter judgment according to the right of the parties, and shall by decree proceed to hear and determine the said claims in a summary way, or may refer the same to a referee, to ascertain and report upon said liens, and the amount justly due thereon; and all liens not so exhibited and proved, shall be deemed to be waived in favor of those which are so exhibited. On ascertaining the whole amount of said liens with which the said premises are justly chargeable, as hereinbefore provided, the court shall cause said premises to be sold in satisfaction of said liens and costs of suit, and any party in whose favor such judgment may be rendered, may cause the premises to be sold within the time and in the manner provided for sales on execution, issued out of any district court for the sale of real estate, and if the proceeds of such sale, after the payment of costs, shall not be sufficient to satisfy the whole amount of such liens included in the decree of sale, then such proceeds shall be apportioned according to the rights of the several parties. In case the proceeds of such sale amount to more than the sum of said liens and the cost of sale; then the remainder shall be paid over to the owner of said property; and each party whose claim is not satisfied in the manner hereinbefore provided, shall have personal judgment for the residue against the party legally liable for the same; *provided*, such party so liable has been personally summoned or has appeared in the action.

Court, how
to proceed.

When
waived.

Premises
may be sold.

Apportion-
ment of
proceeds.

SEC. 10. Nothing herein contained shall be construed to take away, or affect in any manner, any right of action which such contractor, sub-contractor, journeyman, or other person who shall have performed work or labor, or furnished materials for any such building or superstructure, or other property made subject to a lien as herein provided, would otherwise have against the person or persons for whom such work or labor was performed, or materials were furnished.

Right of
action not
affected.

SEC. 11. The claimant of any such lien, filed as aforesaid, on the payment of the amount thereof, together with the cost of filing and recording such lien, and the acknowledgment of satisfaction, shall, at the request of any person interested in the property charged therewith enter, or cause to be entered, an acknowledgment of satisfaction of the same, of record, within ten days after such request; and on failure to enter such satisfaction within that time, the claimant shall forfeit and pay to the person requesting the satisfaction, the sum of twenty dollars per day until the same shall be entered to be recovered in the same manner as other debts.

Satisfaction
to be
entered.

SEC. 12. All persons who shall perform work or labor upon any tract or tracts of lands, by cutting and cording the wood or timber growing or being thereon, pursuant to a contract therefor, with the person or persons owning such tract or tracts of land, or in possession of the same, under a *bona fide* claim of title thereto, shall have and may, each respectively, claim and hold a lien upon the wood or timber, so cut and corded, for the amount in value of the work or labor so performed, by retaining possession of the same until the whole amount due for such work or labor shall have been paid; *provided*, that any lien claimed and held as afore-

Lien for
cutting and
cording
wood, etc.

Proviso.

said, shall be deemed to be waived, unless an action be brought in some court of competent jurisdiction, for the recovery of the amount for which such lien is claimed as security, within thirty days after such wood or timber shall have been taken in possession by the claimant; and the fact that such lien is claimed, shall be set out in the complaint, together with a description of, and the number of cords of wood or timber retained in possession by the claimant. If the judgment be for the plaintiff in such action, the execution shall direct the same, with costs, to be satisfied out of the wood or timber so retained, if the same shall be sufficient, if not, then the balance to be satisfied out of any other property of the defendant, in the manner provided by law. Justices of the Peace shall have jurisdiction of all actions under the provisions of this Act, when the amount claimed does not exceed three hundred dollars.

Judgment,
how satis-
fied.

Liens to
foundry-
men, etc.

SEC. 13. All foundry-men and boiler-makers, and all persons performing labor, or furnishing machinery or boilers, or castings, or other materials for the construction or repairing, or carrying on of any mill, manufactory, or hoisting works, shall have a lien on such mill, manufactory or hoisting works, for such work or labor done, or such machinery or boiler, or castings, or other material furnished by each respectively; and all the provisions of this Act respecting the mode of filing, recording, securing and enforcing the liens of contractors, sub-contractors, journeymen, laborers and others, and the word superstructure, wherever it occurs in this Act, shall be applicable to the provisions of this section of this Act.

Creditors
and assignee
may hold
lien.

SEC. 14. Two or more creditors of the same class may assign their claims duly verified to any other creditor or person of the same class, assignee of such claims, may claim and hold his lien as provided in this Act.

Acts
repealed.

SEC. 15. An Act of the Legislative Assembly of the Territory of Nevada, entitled "An Act for securing liens to mechanics and others," approved November twenty-first, eighteen hundred and sixty one. Also an Act of the Legislature of the State of Nevada, entitled "An Act supplementary to an Act entitled 'An Act for securing liens to mechanics and others,' approved November 21, 1861;" approved February 6, 1867. Also, an Act supplementary to an Act entitled "An Act for securing liens to mechanics and others, approved November 21st, 1861," approved February 12th, 1869, and all other Acts and parts of Acts, inconsistent with the provisions of this Act, are hereby repealed.

CHAP. LIX.—*An Act to admit to Probate a certain paper purporting to be the last Will and Testament of Henry Sticknoth.*

[Approved March 4, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. The paper purporting to be the last will and testament of Henry Sticknoth, deceased, is hereby declared to be as legal and valid as though the signature of the testator to the same was attested by two subscribing witnesses; and the claimant, Siebo Muntinga, is hereby authorized to offer said paper for probate before the proper court, and the same shall be considered by the court as if the signature of the testator was attested as required by law. Paper purporting to be will legalized.

SEC. 2. Nothing in this Act shall be construed as determining the issue of fact, whether said paper is the last will and testament of said deceased; but said issue shall be submitted to and be determined by the proper court. Issue of fact not determined.

SEC. 3. Nothing in this Act shall be so construed as to prevent any heir or heirs of said deceased from contesting the validity of the said paper, purporting to be the last will and testament of said deceased, within the time allowed by law, should any such contestant or contestants appear. Heirs not prohibited from contesting.

SEC. 4. No claim of Siebo Muntinga, or of any other person, to the money or estate of said Henry Sticknoth, deceased, and no action for the recovery of the same, by any person, shall be held by any court to be barred by the statute of limitations or otherwise; *provided*, such claim shall be set up, or such action shall be commenced within twelve months from the date of the passage of this Act. Claims, etc., not barred. Proviso.

SEC. 5. All Acts and parts of Acts heretofore passed, so far only as they conflict with the provisions of this Act, are hereby repealed. Repeal.

CHAP. LX.—*An Act to authorize the Payment of certain Claims against Storey County.*

[Approved March 4, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows, viz :

SECTION 1. The Board of County Commissioners of Storey County is hereby authorized to allow and order paid out of the General Fund of said county, in the manner prescribed by law, such sum or sums of money as may be found due proprietors of newspapers for the publication of the delinquent tax lists, in and for said county. Payment for publication of delinquent tax lists.

CHAP. LXI.—*An Act to provide for the appointment of a Commissioner to prosecute to final settlement all claims of the State of Nevada against the Government of the United States, and to provide for his compensation therefor.*

[Approved March 4, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Appoint-
ment, by
whom made

Duties of
Commis-
sioner.

Evidence to
be furnish-
ed Commis-
sioner.

Duty of
Commis-
sioner.

Disposition
of money
collected by
Commis-
sioner.

Treasurer
to receipt
for moneys.

Compensa-
tion of
Commis-
sioner.

SECTION 1. The Controller and Treasurer of State are hereby authorized and empowered to appoint some competent, prudent and judicious person, a Commissioner, whose duty it shall be to prosecute before any officer or department of the General Government, all just and equitable claims which the State of Nevada may have against the Government of the United States, of whatever nature and character.

SEC. 2. Said Commissioner is authorized to receive from the Secretary, Treasurer or Controller of State, or any department of the State government, all the evidence, documentary or otherwise, which said officers, or either of them, may be in possession of, or have under their control, together with all the original vouchers, or exhibits of any kind whatsoever existing, relative to said claims. And it shall be the duty of the State officers, before mentioned, to deliver to said Commissioner on demand in writing, all such evidence, documents, books, papers and vouchers, as are by him referred to.

SEC. 3. The said Commissioner shall within thirty days after the receipt by him of the evidence, vouchers, books, papers and documents mentioned in the preceding section, proceed to the city of Washington, D. C., and exhibit to such officer or department of the General Government as may be authorized to examine and settle said claims, such vouchers or other evidence of said claims which he may become possessed of as aforesaid; also to present such other evidence, written or oral, which he may be able to obtain, respecting said claims or any part thereof, and diligently and as speedily as possible, prosecute said claims and procure the allowance thereof.

SEC. 4. All moneys which may be allowed to the State of Nevada by the General Government, upon the settlement of said claims shall, upon payment of the same, be placed in the State treasury and apportioned to the General Fund. And the State Treasurer is hereby authorized to receive and receipt for the same, and to execute such further acquitances as the General Government may require.

SEC. 5. Whenever said claims or any portion thereof shall be settled, allowed and paid by the General Government to the State of Nevada, as hereinbefore specified, the Controller of State shall draw his warrant upon the State treasury, in favor of said Commissioner, for such sum as shall be equal to ten per cent. of the amount of said claims so settled, allowed and paid.

CHAP. LXII.—*An Act to amend an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to create the County of Lincoln, and provide for its organization,' approved February twenty-sixth, eighteen hundred and sixty-six," approved March eighteenth, eighteen hundred and sixty-seven.*

[Approved March 4, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of said Act, of which this Act is amendatory, is hereby amended so as to read as follows: Increase of representation in legislature.

Section Four. Said county of Lincoln shall be entitled to and shall elect at the next general election, two Senators and three Assemblymen. One of said Senators shall be elected for and shall hold office as Senator for the term of two years, and the other Senator for four years.

CHAP. LXIII.—*An Act providing for the better enforcement of the Revenue Laws of this State.*

[Approved March 4, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any County Recorder, or other officer, who shall record or file for record any deed, trust deed or mortgage, required by the laws of this State to be stamped, without such deed having the requisite State stamps affixed, or without such trust deed or mortgage having the required State stamps affixed, or the note or bond for which the said trust deed or mortgage is given as security, being exhibited to said County Recorder or other officer, with the requisite State stamps affixed, shall be guilty of a misdemeanor, and, on conviction thereof, shall be forthwith removed from office, and shall also be punished by a fine in any sum not exceeding five thousand dollars or by imprisonment in the State prison for a term not exceeding five years, or by both such fine and imprisonment. Filing or recording deed, etc., unless stamped, misdemeanor. Punishment

CHAP. LXIV.—*An Act to repeal section thirteen of the Act entitled "An Act to provide for the Registration of the names of Electors, and to prevent fraud at Elections," approved March fifth, eighteen hundred and sixty-nine.*

[Approved March 4, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Repealing
section.

SECTION 1. Section thirteen of the Act entitled "An Act to provide for the registration of the names of electors and to prevent fraud at elections," approved March fifth, eighteen hundred and sixty-nine, is hereby repealed.

CHAP. LXV.—*An Act to amend an Act entitled "An Act to authorize the County Commissioners of the several counties of this State to build or purchase buildings suitable for county purposes," approved March 10th, 1865.*

[Approved March 4, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Commis-
sioners of
Esmeralda
County to
levy tax to
pay Court-
House
Bonds.

SECTION 1. In addition to the tax authorized to be levied by the provisions of the Act of which this Act is amendatory, the Board of County Commissioners of Esmeralda County are hereby authorized to levy and cause to be collected, should they deem the same necessary, an additional tax, not exceeding one half of one per cent. on the taxable property in said county, for the purpose of paying the interest and principal of the bonds issued in pursuance of the provisions of said Act, and known as the "Court-house Bonds." Said tax to be levied, collected and applied as provided in section three of the Act of which this Act is amendatory.

SEC. 2. This Act shall take effect and be in force from the time of its passage.

CHAP. LXVI.—*An Act to authorize and empower the County Commissioners of White Pine County to provide for the re-indexing of certain records of said county.*

[Approved March 4, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. The County Commissioners of White Pine County are hereby empowered to order and require the County Recorder of said county to transcribe into suitable books, all indexes now in his office, classified as follows, and none others: Mining indexes, numbered one, two and three; real estate indexes, numbered one and two; powers of attorney, numbered one; marriage certificates "record," numbered one. The Recorder of White Pine County shall receive as compensation for the services hereby imposed, one half the regular fees now prescribed by law for like services. Transcribing certain indexes required. Compensation of Recorder for.

Sec. 2. The Board of County Commissioners of White Pine County, upon being notified in writing by the County Recorder that the indexes named in section one of this Act have been transcribed as provided, shall appoint some suitable person to examine and report upon the same, and if found correct the Board of County Commissioners shall immediately allow the claim of the Recorder for said services, which shall be paid as other claims against the county. Examination of and allowance for new indexes.

CHAP. LXVII.—*An Act to provide for the incorporation of Wire Suspension Tramway Companies.*

[Approved March 4, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any three or more persons who may desire to construct, own and operate a wire suspension tramway in this State, may form themselves into a corporation for that purpose, under and pursuant to the provisions of an Act entitled "An Act to provide for the formation of corporations for certain purposes," approved March 10, 1865, and the several Acts amendatory thereof. Such incorporations shall be subject to all of the restrictions, and may derive and profit by all the privileges and benefits that are conferred by said Act. Companies, who authorized to form

Sec. 2. Whenever said corporations shall have filed articles of association, according to the provisions of the Act hereinbefore mentioned, and shall have filed in the office of the Recorder of the county in which the principal place of business of the said corporation shall be located, a profile map of a survey of the route Survey to be filed with County Recorder.

Right of way
granted.

Restrictions

Exclusive
right and
term of
franchise.

Construc-
tion of tram-
way, pro-
gress to be
made.

Mining
companies
exempted.

of the proposed line of wire suspension tramway, between the points which shall be designated as termini in the articles of association of said corporations, then and thereafter said corporations and their assigns, shall have the right of way, which shall not exceed one hundred feet in width, to construct, own and operate said line of tramway, and to enter upon private lands, and to take sufficient thereof for the purposes of stations, machinery and other appurtenances necessary for the construction and operations of said tramway; *provided*, they shall not be entitled to take of such private lands for any such purposes except under the operations and subject to the provisions, as far as they may apply, of section three of an Act entitled "An Act to provide for constructing and maintaining toll roads and bridges in the State of Nevada," approved March 8, 1865.

SEC. 3. Whenever any tramway incorporation shall have filed a profile map of a survey of their route as hereinbefore provided, said corporations and their assigns shall have the exclusive right to use the said route for the construction and operations of a wire suspension tramway, and to charge toll for transportation thereon; and no other person, association or corporation, shall within fifteen years thereafter construct or operate another parallel line of tramway within five hundred yards of said line; *provided*, that if said proposed lines shall be five miles or less in length, that the whole line shall be finished and ready for operation within eighteen months from the date of the filing of the profile map of said survey; and if the said proposed route shall be more than five miles in length, the said corporation shall complete an additional five miles of said line each year thereafter, until the whole of said line shall be completed; *provided*, that nothing in this Act shall be so construed as to prevent the owner of any mine or mining company from constructing a tramway or tramways for their own use.

CHAP. LXVIII.—*An Act to amend an Act entitled "An Act to provide revenue for the support of the Government of the State of Nevada, approved March 9th, 1865, approved March 11th, 1867," approved March 3rd, 1869.*

[Approved March 4, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the Act of which this is amendatory, is amended so as to read as follows:

Salary of
County
Treasurers
fixed.

Section One:—The Treasurers of the several counties of this State shall be allowed the following named annual salaries, to wit: The Treasurer of Storey County three thousand dollars; of Ormsby County fifteen hundred dollars; of Douglas County five hundred dollars; of Esmeralda County one thousand dollars; of Lyon County twelve hundred dollars, after the first day of Janu-

ary, eighteen hundred and seventy three; of Washoe County two thousand dollars; of Churchill County six hundred dollars, after the first day of January, A.D. eighteen hundred and seventy three; of Nye County fifteen hundred dollars; of Lander County twenty-five hundred dollars; of Humboldt County twelve hundred dollars; of White Pine County two thousand dollars; of Elko County two thousand dollars; of Lincoln County eighteen hundred dollars. Said salaries to be audited by the Board of County Commissioners and paid at the end of each quarter out of the Treasurers' salary fund; *provided*, that whenever at the end of any quarter there shall not be sufficient money in said fund to pay said salary, the Board of County Commissioners shall set apart from any moneys in the general fund, or from the first money that shall come into the said general county fund, not otherwise specifically appropriated; an amount sufficient to pay said salary; *and, provided further*, that whenever at the end of any year there shall remain any money in the said fund after paying the Treasurer's salary, the Board of County Commissioners shall cause the money so remaining to be transferred into the general county fund.

Commissioners to make transfer to Treasurers' Salary Fund.

Surplus in Treasurers' Salary Fund to revert to General Fund.

SEC. 2. No warrant shall be drawn on said fund except to pay the salary of the County Treasurer.

Fund to pay treasurers only.

SEC. 3. All Acts and parts of Acts, in conflict with this Act, are hereby repealed.

CHAP. LXIX.—*An Act to provide for the selection and sale of Lands granted by the United States to the State of Nevada.*

[Approved March 4, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of selecting and disposing of the lands granted by the United States to the State of Nevada, including the sixteenth and thirty-sixth sections, and those selected in lieu thereof, in accordance with the terms and conditions of the several grants of land by the United States to the State of Nevada, a State land office is hereby created, of which the State Surveyor-General shall be ex-officio Register. He shall as such Register be required to give bonds in the sum of ten thousand dollars for the faithful performance of his duties, which bonds shall be approved by the Governor and filed in the office of the Secretary of State. The Register shall keep his office at the seat of government, and the same shall be kept open on all legal days between the hours of ten o'clock A. M. and four o'clock P. M., for the transaction of business. The rent to be paid by the State.

State Land Office created.

Register and bonds of.

Office of, where kept and office hours.

SEC. 2. The Register shall procure one copy of each township plat of the public surveys now approved or that may hereafter be approved by the proper United States authorities, unless the same shall have been previously obtained; *provided*, that the cost of the same shall not exceed eight dollars each, and shall be

Township plats of public surveys to be procured, and cost of.

made upon drawing paper. He shall keep a record of all applications, and of all lands which have been or may hereafter be approved to the State, and of all lands which have been sold by the State, which, together with all plats, papers and documents relating to the business of his office, shall be open to public inspection during office hours without fee therefor.

Application and record of.
Register to furnish copy of plats of townships to County Surveyors.
Duty of County Surveyor.

SEC. 3. The Register shall furnish within a reasonable time a copy of the plats of townships within any county to the County Surveyor of such county, to be used by him in furnishing such information as the Register may require of him concerning the lands within such townships; and all lands sold by the State shall be reported by the Register to the County Surveyor of the county in which such lands are situated, and said Surveyor shall immediately mark the same upon the township plat in his office, in accordance with the instructions of the Register, and said County Surveyor shall keep such plats subject to the inspection of all persons interested in examining the same on all legal days during office hours. Whenever a County Surveyor shall have knowledge of any tract or tracts of land within his county subject to selection by the State, and which for any cause may appear to him to be of special value to the State, he shall report the same to the Register, describing such location with reference to the Government surveys by legal subdivisions, and he shall state fully and definitely in such report his reasons for considering such tract or tracts of special value.

Price of lands per acre.
Regents may increase price

SEC. 4. The minimum price of all lands embraced in this Act, not included within the twenty miles Central Pacific railroad limits, is hereby fixed at one and one fourth dollars per acre in currency; and the minimum price of all lands within said twenty miles limit is hereby fixed at two and one half dollars per acre in currency. But the Board of Regents of the State shall have power to fix a higher price per acre upon any of said lands not settled upon or applied for by individuals prior to the date of such higher price having been fixed.

Register to advertise lands for sale.
When regents may reduce price.

SEC. 5. All lands to which the State has acquired title, except those specified in section seven of this Act, when in the opinion of the Board of Regents it shall be advisable for the interests of the State, shall be advertised by the Register, as being subject to sale at the minimum price, unless a higher price shall have been fixed thereupon by said Board, and if a higher price shall have been fixed, then at such higher price. And such notice shall specify that such land may be purchased at the price stated at any time within six months after the date of such notice, and if not purchased within such specified time, the Board of Regents may reduce the price; *provided*, they do not reduce it below minimum price, and the Register thereupon shall readvertise the same at such reduced price.

Application to purchase lands, how made, etc.

SEC. 6. All applications to purchase lands shall be made in writing to the Register, and shall be signed by the applicant or his or her agent, and shall designate in conformity with the United States survey the tracts applied for and the number of acres, the residence and postoffice address of the applicant, and the price per acre offered; and when such application is accompanied by the State Treasurer's receipt for the amount necessary to purchase the land, said application shall be filed by the Register.

SEC. 7. Upon the application of any person for the purchase of land not previously selected by the State, accompanied by a certificate of the State Treasurer, that said person has made a special deposit in his office of the purchase money for such land, the Register shall file the same in his office, and shall serve the Surveyor of the county in which such land is situated, with a written notice of such application to purchase, and said Surveyor shall post the same conspicuously in his office for the period of sixty days from the date thereof, and the State Treasurer is hereby required to receive on special deposit all sums so tendered, and give receipts therefor, and he shall keep a separate account thereof on his books, and said sums shall not be used or appropriated for any purpose whatever while upon his books as special deposits, but when the contemplated entry can be completed in whole or in part, upon the Register certifying that said depositor is entitled to purchase the land or any part thereof applied for, the Treasurer shall issue his ordinary receipt, in duplicate, for the amount necessary to effect the purchase, and transfer the amount to its proper fund account. One of said receipts shall be filed with the State Controller, and on one being filed with the Register, the purchase shall be perfected. If, from the non-approval of the land to the State or other cause, the contemplated sale cannot be perfected in whole or in part, then upon the return of the deposit receipt, the Treasurer shall refund the proportionate or whole amount of such deposit as the case may be to the person entitled thereto, taking receipt therefor. And while such special deposits are in the custody of said State Treasurer, he and his sureties shall be responsible therefor upon his official bond.

Register
to serve
County
Surveyor
with notice
of applica-
tion.

Where
notice to
be posted.

Duty of
State Treas-
urer on
deposit of
moneys for
lands.

Receipts,
where filed.

When pur-
chase mon-
ey may be
refunded.

SEC. 8. Land applied for after the State has obtained title thereto, shall be certified by the Register to the Treasurer, as heretofore provided for in section seven of this Act, and the purchase shall be perfected in like manner.

Lands after
State ac-
quires title.

SEC. 9. In addition to the mode and manner of sale of the lands belonging to the State, the State Register is hereby further empowered to sell and dispose of any agricultural or grazing lands, payable in installments as hereinafter specified: that is to say, with any party or parties wishing to purchase lands under the provisions of this section, and who shall have made proper application therefor, and duly established his, her or their right to purchase under the provisions of this Act, the State Register is hereby authorized and required to enter into contract to sell such lands at such price as the same may be valued for the time being by the proper authority, payable as follows, to wit: One fifth of the amount to be paid at the time of contract, and the balance in nine equal annual installments, with interest at the rate of ten per centum per annum, payable annually upon all deferred installments; *provided*, the purchaser, his or her heirs or assigns, may at any time prior to the maturity of such contract make full payment. All such contracts shall be entered into in writing with the party or parties so purchasing, in which the conditions shall be distinctly expressed that upon failure to pay the principal and interest thereon as stipulated, the said land shall immediately, and unconditionally, revert to the State, and be thereafter subject to sale in the same manner and under the same conditions as though no such prior contract and sale had been made. It shall be the

Grazing and
agricultural
lands may
be sold.

Manner of
purchase.

Conditions
of contract.

When lands
to revert
to State.

Certificate of sale.	duty of the Register to certify each sale, and the terms thereof, to the State Treasurer, who shall thereupon receive the payment as specified therein, shall receipt for the same as is provided in section seven of this Act, and when full payment shall have been made, patents shall issue to the purchaser, his or her heirs or assigns, as provided for in section fifteen of this Act; <i>provided</i> , that no timbered lands shall be sold unless the whole purchase price shall be paid at the time of purchase.
Timber lands.	
Unlocated land warrants of State to be secured in payment for lands.	SEC. 10. The holder of any unlocated land warrant of this State, heretofore issued, shall have the right to use the same in payment for lands, which he or she may desire to purchase from the State; and any person holding any of said warrants for one hundred and sixty acres or less, at the rate of two and one half dollars per acre, shall be allowed to surrender the same to the State Treasurer, in full payment for double the number of acres expressed therein, of land valued at one and one fourth dollars per acre.
Special land fund created	SEC. 11. The Treasurer shall collect from each applicant, one per centum in currency of the amount deposited or paid, as the case may be, for land, and all moneys so collected shall constitute a special land fund, to be disbursed in paying the fees required by the United States for selecting land for the State, otherwise than at the request of individuals; <i>provided</i> , that when said special land fund is exhausted said fee for selecting land shall be paid as provided in section eighteen of this Act.
Who may purchase 320 acres.	SEC. 12. An occupant or party in possession shall have a preferred right to purchase not exceeding three hundred and twenty (320) acres of land, at the minimum price, for the period of six months after the date of approval to the State of the lands occupied or possessed by him or her; and when two or more persons claiming a preferred right by reason of occupancy or possession, apply to purchase the same lands, the Register shall certify such applications to the District Court of the county in which such lands are situated, and notify the contesting applicants thereof. The Judge or Court shall then appoint a commissioner in the vicinity of the land so in dispute, to take and report to such court all the testimony of the parties in the case. The contest shall then be tried and determined as ordinary actions in said court, and when so determined shall be certified to the Register, who shall proceed thereafter with the successful contestant, in the same manner as if he alone had applied in the premises; <i>provided</i> , that all costs attending such contest shall be paid by the parties litigant, as the court or judge may determine; <i>and, provided further</i> , that a preferred right shall be based upon occupancy or possession dating prior to any application to purchase the land having been filed with the Register. When two or more persons, neither claiming a preferred right, apply to purchase the same lands, the first applicant shall be allowed to purchase.
Duty of Register in case of contesting applicants.	
Duty of Court.	
Manner of trial.	
Costs.	
Occupant to have preferred right to lands.	
Limitation of purchase.	SEC. 13. No person shall be allowed to purchase more than three hundred and twenty acres of land from the State, under the provisions of this Act.
Register to select certain lands.	SEC. 14. It is hereby made the duty of the Register to select as portions of the several grants of land to this State, all lands for which money has been deposited under the provisions of section seven of this Act. And whenever he shall have knowledge

of any tract or tracts of land within the State, which for any cause may appear to him to be of special value and subject to location by the State, he may select the same; and if necessary, by and with the advice and consent of the Board of Regents, instruct the County Surveyor of the county wherein such land is situated, to survey such lines and make such examination as may serve to indicate the proper location and true character and quality of such lands, and said County Surveyor shall without delay proceed to make such survey or examination, and shall report the same to the Register in accordance with such instructions as he may have received, and for such services he shall receive such sum as the Board of Regents may allow, and for the faithful performance of such service said County Surveyor shall be liable upon his official bond.

County Surveyor to make survey and report.

Compensation and liability of Surveyor.

SEC. 15. The title of the State to any lands sold under the provisions of this Act, shall be conveyed to the purchaser, or to his or her heirs or assigns, by patents free of charge, in such form as the Attorney-General and Register shall jointly prescribe, to be prepared by the Register, signed by the Governor, and shall have the great seal of the State affixed by the Secretary of State, and shall be countersigned by the Register; and the Secretary of State and State Register shall each keep a record of the patent issued.

Form of conveyance of State's title to lands

Record of patents.

SEC. 16. The State Register shall be entitled as such Register to a salary of two thousand six hundred dollars per annum, to be paid quarterly; and he is hereby authorized to appoint a Deputy, who shall also perform the duties of clerk and draughtsman, and shall be entitled to a salary of twenty-four hundred dollars per annum, to be paid monthly.

Salaries of Register and Deputy.

SEC. 17. All funds derived from the sale of lands under this Act shall be invested in interest-bearing bonds of the State, or of the United States, as required by section three of the eleventh article of the constitution of this State. The proceeds of the sale of lands donated to this State by Act of Congress of July 2nd, 1862, shall be invested by the Board of Regents; and the proceeds of all other lands herein referred to, whenever the sum of five hundred dollars shall have been paid into the State School Fund, shall be invested as directed by law.

Fund derived from sale of lands, how invested.

SEC. 18. All claims and accounts for services, or for expenses authorized by, and necessarily incurred in carrying out any of the provisions of this Act, except the salary of the Register, shall be presented to, and audited as other claims by the State Board of Examiners; and when any claim shall be passed and allowed by said Board, they shall apportion the same so payable or chargeable, to the several funds derived from the sale of lands as they shall deem proper, and so much of the funds received from the sale of lands, in the several grants as may be necessary for the payment of such audited claims, shall be, and the same is hereby, appropriated out of the several funds respectively, for the payment of such claims, and the Controller shall draw his warrant accordingly. The Board of Examiners are hereby authorized and directed to allow and direct to be paid such sums to the Receivers of the United States land offices, for any official service performed by them in relation to the designation of the selected lands upon the books of their respective offices, as they may be

Board of Examiners to audit all claims, etc.

U. S. land officers, how compensated for services.

justly entitled to receive under the laws of the United States, or the instructions of the proper department at Washington City.

Act of 1867
and others
repealed.

SEC. 19. An act entitled "An Act to provide for the selection and sale of lands granted by the United States to the State of Nevada," approved April 2d, 1867, and all other Acts and parts of Acts, so far only as in conflict with the provisions of this Act, are hereby repealed; *provided*, that such repeal shall not divest any parties of any rights acquired heretofore under any of said Acts referred to.

CHAP. LXX.—*An Act to provide for the Payment of the Outstanding Indebtedness of Churchill County.*

[Approved March 4, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Certain indebtedness not to be paid except as provided.

SECTION 1. From and after the passage of this Act, it shall not be lawful for the Treasurer of Churchill County to pay any warrant drawn on the treasury of said county, on account of any indebtedness of the county outstanding, and payable out of the general fund of said county prior to the passage of this Act, except in the manner hereinafter provided.

Redemption fund to be created.

SEC. 2. The Board of County Commissioners of said county are hereby authorized and directed, from and after the passage of this Act, to create in the county treasury of said county, a fund, to be known as the "Redemption Fund" of said county, and the said Board of County Commissioners of said county are empowered and required to levy a special tax of fifty (50) cents on each one hundred (100) dollars of taxable property in said county, to be paid into the treasury of said county, to be placed in said redemption fund. The moneys placed in the redemption fund created by this Act, shall be disbursed as hereinafter provided.

By levy of a special tax.

Registered indebtedness.

SEC. 3. All indebtedness now audited and registered in the register of accounts of said county, directed and required by the provisions of this Act to be paid out of the "Redemption Fund," shall, from the date of the taking effect of the same, bear interest at the rate of ten (10) per cent. per annum, and all indebtedness audited and allowed after the passage of this Act, and payable and purchasable out of the "Redemption Fund" herein, shall bear the like rate of interest, from and after the date of the allowance thereof.

To bear interest from what time.

Redemption of indebtedness, when and how made.

SEC. 4. Whenever, at any time, there shall be in said "Redemption Fund," the sum of five hundred (500) dollars or more, it shall be the duty of the County Treasurer of said county to give fourteen days notice by publication in some newspaper published in said county, or if no such newspaper be published, then by posting notices in three conspicuous places in said county, that sealed proposals, directed to him, will be received for the surrender of county indebtedness, issued or outstanding prior to the

passage, or under the provisions of this Act, and that said proposals will be received by him until the next regular or special meeting of the Board of County Commissioners of said county thereafter.

SEC. 5. On the first day of such regular meeting, or at any special meeting, of said Board of County Commissioners, they together with the County Auditor and Treasurer shall attend at the office of the latter, and then and there open all sealed proposals and accept the lowest bids for the surrender of county indebtedness, specified in the preceding section; *provided*, that no bid for more than par value be accepted by them, nor any bid unless accompanied by the certificate or certificates issued for the indebtedness proposed to be surrendered.

Manner of redemption.

SEC. 6. When any bids are accepted the County Auditor and County Treasurer shall each take a description of the certificates to be redeemed, specifying the amount to be paid for each certificate, the date, number and amount thereof, and make a record thereof in their respective offices, and thereupon the Board of County Commissioners shall by order direct the County Treasurer to purchase the indebtedness designated in the accepted bid or bids and pay for the same out of the "Redemption Fund" aforesaid, and all indebtedness so redeemed shall be canceled by the County Treasurer by writing across the certificate surrendered, in red ink, "purchased and redeemed," adding thereto the time and the amount paid therefor, and sign the same officially. The order of the Board of County Commissioners aforesaid, together with the record made by the County Auditor, as herein required, shall be sufficient vouchers for the County Treasurer in settlement of his accounts. To determine what is the lowest bid as between any two or more obligations offered to be surrendered, under the provisions of this Act, and at the same time to give preference to obligation of said county longest remaining unpaid, the Board of County Commissioners shall compute the principal and interest due upon any such obligation by its terms, and add to the amount of such principal and interest the further sum of one and one fourth per cent. on the principal of such obligation for each period of three months, after it would have been paid, had funds existed for its payment when presented, up to the day of opening such bids. The obligation upon which the largest discount is offered to be allowed by this method of computation, shall be deemed the lowest bid and shall be accepted as such, and ordered to be paid. The bids and amounts of indebtedness being equal, taking into consideration both principal and interest, each shall be accepted *pro rata* as nearly as possible. The County Treasurer shall return all unaccepted bids together with the certificates therein contained to the owners on demand. The County Treasurer shall keep a separate account under the heading of "Redemption Fund" of all moneys received into the said fund, and all moneys paid out of said fund and to whom paid. The County Auditor shall also, on the register of audited or registered accounts kept by him, write opposite each audited account redeemed under the provisions of this Act the word "purchased," and state the amount paid therefor.

Manner of redemption.

Indebtedness, how canceled.

Vouchers of County Treasurer.

Lowest bid, how determined.

Unaccepted bids to be returned.

Duty of County Treasurer.

Duty of County Auditor.

SEC. 7. When any claim against said county, which accrued prior to the passage of this Act, is allowed by the Board of County Commissioners of said county, after the passage of this Act, the

What claims to be allowed as purchasable out of the "Redemption Fund." same shall be allowed as purchasable out of the "Redemption Fund" of said county, and all indebtedness audited on such claims shall be payable and purchasable out of said "Redemption Fund" in the same manner provided by this Act for the purchase of other county indebtedness with moneys of said county in said redemption fund.

When surplus in General Fund to be transferred to Redemption Fund. SEC. 8. At the first meeting in January of each year of the Board of County Commissioners of said county, they may transfer any surplus money there may be in the general fund of said county to the fund created by this Act.

SEC. 9. This Act shall take effect from and after its passage.

CHAP. LXXI.—*An Act to amend an Act entitled "An Act to provide Revenue for the Support of the Government of the State of Nevada," approved March 9th, 1865.*

[Approved March 4, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and twenty-six of said Act is hereby amended so as to read as follows:

Duty imposed on papers and instruments used for certain purposes. Section One Hundred and Twenty-six. On and after the passage of this bill there shall be levied, collected and paid in gold or silver coin of the United States, or in foreign coin at the valuation fixed by the laws of the United States; for and in respect of the several instruments, matters and things mentioned and described in the schedule hereunto annexed, or for in respect of vellum, parchment or paper, upon which such instrument, matters or things, or any of them, shall be written or printed, by any person or persons or party, who shall make, sign or issue the same, or for whose use or benefit the same shall be made, signed or issued, the several duties or sums of money set down in figures against the same respectively, or otherwise specified or set forth in said schedule.

SCHEDULE.

Agreement. Agreement or appraisement, on each piece of paper on which the same is written, 5 cents.

Bills of Exchange. Bills of exchange (inland), or draft for the payment of any sum of money not exceeding one hundred dollars, otherwise than at sight or demand, 5 cents; and for every additional hundred dollars, or fractional part thereof in excess of one hundred dollars, 5 cents.

Bills of exchange (foreign), or letter of credit, drawn in but payable out of the United States, or out of the State of Nevada, if drawn singly or otherwise than in a set of three or more, according to the custom of merchants and bankers, shall pay the same rates as inland bills of exchange, 5 cents. If drawn in sets of three or more; for every bill of each set, where the sum

made payable shall not exceed one hundred dollars, or the equivalent thereof in any foreign currency in which such bills may be expressed, according to the standard of value fixed by the United States, 2 cents; and for every additional hundred dollars or fractional part thereof, in excess of one hundred dollars, 2 cents.

Bond for indemnifying any person for the payment of any sum of money, where the money ultimately recoverable thereupon is one thousand dollars or less, 50 cents; where the money ultimately recoverable exceed one thousand dollars or fractional part thereof in excess of one thousand dollars, 50 cents. Bonds.

Bond for the due execution or performance of the duties of any office, one (\$1.00) dollar.

Bond of any description other than such as may be required in legal proceedings, or used in connection with mortgaged deeds, and not otherwise charged in the schedule, 25 cents.

Certificates of stock in any incorporated company, 25 cents. Certificates.

Certificates of profits, or any certificates or memorandum showing an interest in the property or accumulations of any incorporated company, if for a sum not less than ten dollars and not exceeding fifty dollars, 10 cents; exceeding fifty dollars and not exceeding one thousand dollars, 25 cents; exceeding one thousand dollars, for every additional one thousand dollars or fractional part thereof, 25 cents.

Certificate of deposit of any sum of money in any bank or trust company, or with any banker or person acting as such, if for a sum not exceeding one hundred dollars, 2 cents; for a sum exceeding one hundred dollars, 5 cents.

Certificate of any other description than those specified, 5 cents.

Contract—Broker's memorandum of sale of goods or merchandise, stocks, bonds, exchange, real estate, or property of any kind or description, issued by brokers or persons acting as such, for each memorandum of sale, 10 cents. Contract.

Conveyance—Deed, instrument or writing, whereby any lands, tenements, or other realty sold, shall be granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or purchasers, or any other person or persons by his, her, or their direction, when the consideration or value does not exceed five hundred dollars, 50 cents; when the consideration exceeds five hundred dollars and does not exceed one thousand dollars, one (\$1.00) dollar; and for every additional five hundred dollars or fractional part thereof in excess of one thousand dollars, 50 cents. Conveyance.

Insurance (life)—Policy of insurance, or other instrument, by whatever name the same shall be called, whereby any insurance shall be made upon any life or lives, when the amount insured shall not exceed one thousand dollars, 25 cents; exceeding one thousand dollars and not exceeding five thousand dollars, 50 cents; exceeding five thousand dollars, one (\$1.00) dollar. Insurance.

Insurance (marine, inland and fire)—Each policy of insurance, or other instrument, by whatever name the same shall be called, by which insurance shall be made or renewed upon property of any description, whether against perils by sea or by fire or other peril of any kind, made by any insurance company or its agents, or by any other company or person, the premium upon which does not exceed ten dollars, 10 cents; exceeding ten dollars and

not exceeding fifty dollars, 25 cents; exceeding fifty dollars, 50 cents.

Lease. Lease, agreement, memorandum or contract for hire, use or rent of any land, tenement, or portion thereof, when the rent or rental value is three hundred dollars per annum or less, 50 cents; when the rent or rental value exceeds the sum of three hundred dollars per annum, for each additional two hundred dollars or fractional part thereof in excess of three hundred dollars, 50 cents.

Mortgage. Mortgage of lands, estate or property, real or personal, heritable or movable whatsoever, where the same shall be as security for the payment of any definite and certain sum of money, but at the time or previously due and owing, forborne to be paid; being payable; also any conveyancy of any lands, estate, or property whatsoever in trust to be sold or otherwise converted into money, which shall be intended only as security, and shall be redeemable before the sale or other disposal thereof, either by express stipulation or otherwise; or any personal bond given as security for the payment of any definite or certain sum of money, exceeding one hundred dollars and not exceeding five hundred dollars, 50 cents; and for every additional five hundred dollars or fractional part thereof in excess of five hundred dollars, 50 cents.

Powers of Attorney. Powers of attorney for the sale or transfer of any stock, bonds or scrip, or for the collection of any dividends or interest thereon, 25 cents.

Power of attorney, or proxy, for voting at any election for officers of any incorporated company or society, except religious, charitable, or literary societies, or public cemeteries, 10 cents.

Power of attorney to receive or collect rent, 25 cents.

Power of attorney to sell and convey real estate, to rent or lease the same, one (\$1.00) dollar.

Power of attorney for any other purpose, 50 cents.

Probate of Will. Probate of will, or letters of administration, where the estate and effects for or in respect of which such probate or letters of administration applied for shall be sworn or declared not to exceed the value of two thousand dollars, one (\$1.00) dollar; exceeding two thousand dollars, for every additional thousand dollars or fractional part thereof in excess of two thousand dollars, 50 cents.

Promissory notes. All promissory notes of one hundred dollars, 5 cents; and for every additional hundred dollars or fractional part thereof in excess of one hundred dollars, 5 cents.

SEC. 2. Section one hundred and thirty-two of said Act is hereby amended so as to read as follows:

Penalty for making, etc. instrument without using stamp. Section One Hundred and Thirty-two:—Any person who shall make, sign or issue, or who shall cause to be made, signed or issued, any instrument, document or paper of any kind or description whatsoever, required by this Act to be stamped, or who shall accept or pay, or cause to be accepted or paid, any bill of exchange, draft, order or promissory note, for the payment of money, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the duty chargeable thereon, to evade the provisions of this Act, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of

not less than fifty nor more than two hundred dollars, or by imprisonment in the county jail for not less than ten nor more than one hundred days, or by both such fine and imprisonment, and such instrument, document or paper, bill, draft, order or note, shall be deemed invalid and of no effect; *provided*, that the title of land purchased by deed duly stamped, shall not be defeated or affected by the want of a proper stamp on anything conveying said lands from any person, from, through or under whom his grantor holds or claims title; *and, provided further*, that hereafter, in all cases where the party has not affixed to any instrument the stamp required by law thereon, at the time of making or issuing said instrument, and he or they, or any party having an interest therein, shall be subsequently desirous of affixing such stamp to said instrument, or if said instrument be lost, to a copy thereof, he or they shall appear before the County Treasurer of any of the counties of this State, who shall, upon the payment of the price of the proper stamp required by law, and of the payment of the penalty of fifty dollars, and where the whole amount of the tax denoted by the stamp required shall exceed the sum of fifty dollars, on payment also of interest at the rate of ten per centum per annum on said tax from the day on which such stamp ought to have been affixed, affix the proper stamp to such instrument or copy, and note upon the margin thereof the date of his so doing, and the fact that such penalty has been paid; and the same shall thereupon be deemed and held to be as valid, to all intents and purposes, as if stamped when made or issued; *and, provided further*, that where it shall appear to said Treasurer, upon oath or otherwise, to his satisfaction that any such instrument has not been duly stamped at the time of making or issuing the same, by reason of accident, mistake, inadvertence, or urgent necessity, and without any willful design to defraud the State of Nevada of the stamp, or to evade or delay the payment thereof, then and in such case, if such instrument, or if the original be lost, a copy thereof duly certified by the officer having charge of any record in which such original is required to be recorded, or otherwise duly proven to the satisfaction of the Treasurer, shall, within twelve calendar months after the making or issuing thereof, be brought to the said Treasurer to be stamped, and the stamp tax chargeable thereon shall be paid, it shall be lawful for the said Treasurer to remit the penalty aforesaid, and to cause such instrument to be duly stamped. And when the original instrument, or a certified or duly proved copy thereof, as aforesaid, duly stamped so as to entitle the same to be recorded, shall be presented to the Clerk, Register, Recorder, or other officer having charge of the original record, it shall be lawful for such officer, upon payment of the fee legally chargeable for the recording thereof, to make a new record thereof, or to note upon the original record the fact that the error or omission in the stamping of said original instrument has been corrected according to law, and the original instrument, or such certified copy or the record thereof may be used in all courts and places in the same manner and with like effect as if the instrument had been originally stamped. But no right acquired in good faith before the stamping of such instrument or copy thereof, and the recording thereof, as herein provided, if such record be re-

When title to land not to be affected.

Remedy for failure to use stamps as required.

Penalty.

When County Treasurer may remit penalty.

Recording officers may lawfully record instruments stamped after execution.

quired by law, shall in any manner be affected by such stamping as aforesaid.

Repealing
clause.

SEC. 3. All Acts and parts of Acts, so far as the same are in conflict with or repugnant to the provisions of this Act, are hereby repealed.

CHAP. LXXII.—*An Act granting right of way and other privileges to the Union Pacific Tunnel Company in the construction of a Draining and Exploring Tunnel in Lander Hill, Lander County, Nevada.*

[Approved March 4, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Right of
Way granted.

Route and
dimensions
of tunnel.

Proviso.

Mineral
claims
granted to
company.

SECTION 1. That for the purpose of the construction of a deep draining and exploring tunnel to or near Mount Prometheus, in Lander Hill, Lander County, State of Nevada, the right of way is hereby granted to the Union Pacific Tunnel Company, their heirs and assigns, to run, construct and excavate a mining, draining and exploring tunnel; also, to sink mining, working or air shafts along the line or course of said tunnel, and connecting with the same at any point that may not interfere with rights now had by other parties, acquired either by the mining laws of said mining district or the State or United States laws. The said tunnel shall be at least seven feet high and nine feet wide, with centre post and double track, and shall commence at a point just east of Clifton, survey of which is made and recorded by said company according to the mining laws of said mining district, and two hundred and forty feet of tunnel run and completed at or just west of the city of Austin, and to extend from said initial point in an easterly direction eight thousand feet more or less to a point at or near the centre of Mount Prometheus, and the said right of way to extend northerly and southerly on the course of any lode or lodes owned by said company within the same or east or west of the same, and also on or along any other lode which may be discovered or developed by said tunnel; *provided*, that not more than twelve hundred feet of said lode or lodes on each side of the tunnel shall be claimed, held or owned by said company.

SEC. 2. *And be it further enacted*, That the said Union Pacific Tunnel Company, their heirs and assigns, are hereby granted the right to any such mineral veins and lodes within twelve hundred feet on each side of said tunnel as shall be cut, discovered or developed by running and constructing the same through its entire length, with all the dips, spurs and angles of such lodes, subject, however, to all the rights now granted or had under the mining laws of said mining district, or any State or United States laws; *and, further provided*, that all lodes, with their dips, spurs and angles, located within the said twelve hundred feet on each side of said tunnel, and which are now or may be at the cutting of the

same by said tunnel, and are in actual *bona fide* possession of other persons, corporations or associations, are hereby excepted from the operation of this Act.

Sec. 3. *And be it further enacted*, That all persons, companies, corporations or associations owning claims or mines on the line of said tunnel or within twelve hundred feet on each side drained, benefitted or developed by said tunnel, shall hold their claims subject to the condition that they shall contribute and pay to the Union Pacific Tunnel Company, their heirs or assigns, the rate of charges for drainage or other benefits derived from said tunnel or its branches, as may be agreed upon between said Union Pacific Tunnel Company and the persons, corporations or associations owning or that may hereafter own mining claims or lodes on the line of said tunnel; *and, it is further provided*, that all water that may run through said tunnel shall be and belong exclusively to said Union Pacific Tunnel Company, their heirs or assigns, for all purposes, so long as it is run or used on the lands owned by said company, or through ditches owned by said company; *and, provided further*, that said tunnel is to be run and completed twenty-five hundred feet in the same manner as the two hundred and forty feet is, mentioned as a part of this tunnel in section one of this Act; and that the whole length of twenty-five hundred feet shall be completed in six years from and after the first day of June, A. D. eighteen hundred and seventy-one; *and, it is further provided*, that should said Union Pacific Tunnel Company, their heirs or assigns, fail or refuse to fully complete said tunnel as in this Act provided, it is declared that all the rights, privileges and franchises granted under this Act shall be null and void.

The U. P. T. Co. to be compensated for draining other mines, etc.

Right to water granted U. P. T. Co.

When tunnel to be completed.

CHAP. LXXIII.—*An Act to amend an Act entitled "An Act to provide Revenue for the support of the Government of the State of Nevada," approved March 9th, 1865.*

[Approved March 4, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixty-seven of the Act of which this is amendatory, is hereby amended so as to read as follows:

Section Sixty-seven. Every traveling merchant, hawker or peddler, who shall carry a pack or vend goods, wares or merchandise of any kind, and every auctioneer, shall pay for each license the sum of ten dollars per month; and every traveling merchant, hawker or peddler, who shall use a wagon, or one or more animals for the purpose of vending any goods, wares or merchandise of any kind, or wines, fermented or spirituous liquors, shall pay for such license twenty dollars per month; *provided*, that nothing in this section be so construed as to apply to the sale of fruits or the agricultural productions of this State.

Peddlers' licenses.

Proviso.

or the State of California, or the Territory of Utah. The County Auditor shall issue to the Sheriff of the several counties the license contemplated in this section, which licenses so issued shall authorize the holders of the same to vend goods, wares and merchandise, as set forth in such license, within the county wherein such licenses are obtained. And it is hereby made the duty of every Justice of the Peace, Constable, Sheriff, and all peace officers, to demand the license of any such peddler or hawker, and if such person be found not to have a license, as directed by law, the person so offering any goods, wares or merchandise for sale, shall be guilty of a misdemeanor, and on conviction, shall be fined in any sum not less than fifty, nor more than one hundred dollars.

CHAP. LXXIV.—*An Act to amend an act entitled "An Act relative to Attorneys and Counselors at Law," approved October 31st, 1861.*

[Approved March 4, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three of said Act is hereby amended so as to read as follows:

Qualifica-
tions of
applicants.

Proviso.

Section Three. Every applicant for admission as attorney and counselor shall produce satisfactory testimonials of good moral character, and undergo such examination as to his qualifications as the Supreme Court may direct; *provided*, that such examination and testimonials may be dispensed with at the discretion of said Court.

SEC. 2. Section four of said Act is hereby amended so as to read as follows:

Attorneys,
how
licensed.

Section Four. If he be duly qualified, the Court shall admit him as attorney and counselor in all the courts of the State, and shall direct an order to be entered to that effect upon its records, and that a certificate of such record be given to him by the clerk of the Court, which certificate shall be his license.

District
Courts to
enter upon
roll of
attorneys
those
having
license.

SEC. 3. Section five of said Act is hereby amended so as to read as follows:

Section Five. Any District Court of this State may order to be entered upon its roll of attorneys the name of any person who shall produce a license given to him by the clerk of the Supreme Court as in this Act provided.

License fee,
and how
applied.

SEC. 4. Section six of said Act is hereby amended so as to read as follows:

Section Six. Every person, before receiving a license to practice law, shall take, before some officer authorized by the laws of this State to administer oaths, the oath prescribed by law, and pay over to the State Treasurer the sum of twenty-five dollars for the use of the State Library fund, and the clerk of the court

shall require of the person so admitted the receipt of said Treasurer before issuing such license, and in no case shall the license be issued until such receipt is filed in the office of the clerk.

Sec. 5. Section nine of said Act is hereby amended so as to read as follows:

Section Nine. If any person shall practice law in any court in this State, except a Justice's, Recorder's, or Municipal Court, without having received a license as attorney and counselor, after admission by the Supreme Court, he shall be deemed guilty of a contempt of court, and punished as in other cases of contempt; and shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined one hundred dollars or imprisoned in the county jail fifty days.

Penalty for practicing without license.

Sec. 6. This Act shall take effect sixty days after its passage.

CHAP. LXXV.—*An Act making appropriations for the support of the Civil Government of the State of Nevada for the seventh and eighth fiscal years.*

[Approved March 6, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. The following sums of money are hereby appropriated out of any money in the treasury not otherwise appropriated, for the objects hereinafter expressed, and for the support of the civil government of the State, for the seventh and eighth fiscal years:

For salary of Governor, twelve thousand dollars.

For salary of Private Secretary of Governor, four thousand eight hundred dollars.

For postage, expressage and telegraphing for Governor's office, six hundred dollars.

For rent of office of Governor for four months, one hundred dollars.

For portorage for Governor, for four months, eighty dollars.

For contingent expenses of the Governor's office, five hundred dollars.

For payment of rewards offered by the Governor, five thousand dollars.

For salary of Secretary of State, seven thousand two hundred dollars.

For salary of Deputy Secretary of State, six thousand dollars.

For postage, expressage and telegraphing for Secretary of State's office, one thousand dollars.

For copying and indexing laws by Secretary of State, six hundred dollars.

For copying and indexing journals of the fifth session of the Legislature, seven hundred and ninety dollars.

For transportation of books and documents by Secretary of State, five hundred dollars.

For contingent expenses of Secretary of State, seven hundred and fifty dollars.

Same. For salary of Clerk in Adjutant-General's office and State Library, three thousand six hundred dollars.

For contingent expenses of Adjutant-General's office, seven hundred and fifty dollars.

For postage, expressage and contingent expenses of State Library, five hundred dollars.

For insurance of State Library and State Capitol building, twenty-five hundred dollars.

For extra clerical services in office of Secretary of State, twelve hundred dollars.

For contingent expenses of Board of Examiners, one thousand dollars.

For pay of porter for Secretary of State, State Library and Attorney-General for four months, four hundred dollars.

For salary of State Controller, seven thousand two hundred dollars.

For salary of Deputy Controller, six thousand dollars.

For extra clerical services in office of State Controller, two thousand dollars. And the Controller is hereby authorized to employ such clerical service as he may need, not exceeding the amount of this appropriation.

For prosecuting delinquents for infraction of revenue laws and enforcing the collection of revenue to be expended under the direction of the Controller, two thousand dollars.

Same. For contingent expenses in office of Superintendent of Public Instruction, two hundred dollars.

For postage and expressage of Superintendent of Public Instruction, one hundred dollars.

For rent of office of Superintendent of Public Instruction for four months, one hundred dollars.

Same. For salary of Surveyor-General, two thousand dollars.

For postage and expressage of Surveyor-General's office, one hundred and fifty dollars.

For contingent expenses of Surveyor-General's office, one hundred and fifty dollars.

For rent of Surveyor-General's office for four months, eighty dollars.

For pay of porter of Surveyor-General's office for four months, forty dollars.

Same. For salary of State Land Register, pay of clerk and draughtsman, expenses of selecting lands, for purchase of maps and charts, postage, expressage, contingent expenses, twelve thousand dollars.

For pay of United States Land Register's fees in the selection of lands for the State of Nevada, three thousand dollars.

Same. For salary of State Mineralogist, seven thousand two hundred dollars.

For outfit of State Mineralogist, one thousand dollars.

For contingent expenses of State Mineralogist, five hundred dollars.

For traveling expenses of State Mineralogist, two thousand five hundred dollars.

For salary of Warden of the State Prison, six thousand dollars. Same.

For postage, expressage and telegraphing for Controller's office, eight hundred dollars.

For contingent expenses of Controller's office, five hundred dollars. Same.

For expense of procuring State stamps, to be paid out of any money derived from sale of stamps, one thousand dollars.

For rent of Controller's office for four months, one hundred and sixty dollars.

For pay of porter for Controller's office for four months, eighty dollars.

For salary of State Treasurer, seven thousand two hundred dollars. Same.

For salary of clerk in State Treasurer's office, four thousand eight hundred dollars.

For postage, expressage and telegraphing for Treasurer's office, three hundred dollars.

For contingent expenses in Treasurer's office, five hundred dollars.

For rent of Treasurer's office for four months, one hundred and sixty dollars.

For pay of porter of Treasurer's office for four months, eighty dollars.

For salary of Attorney-General, five thousand dollars. Same.

For postage, expressage, telegraphing and contingent expenses of Attorney-General's office, five hundred dollars.

For salary of Superintendent of Public Instruction, four thousand dollars.

For traveling expenses of Superintendent of Public Instruction within the State, eight hundred dollars.

For salary of Deputy Warden of the State Prison, three thousand six hundred dollars.

For the support of and conducting the State Prison, ninety-five thousand dollars.

For pay of Bailiff of Supreme Court, fifteen hundred dollars.

For contingent expenses of the Supreme Court, to be expended under a majority of the Judges thereof, eight hundred dollars.

For pay of two porters and one night watchman of State Capitol Building, to be expended under direction of Secretary of State, six thousand dollars. Same.

For stationery, fuel, lights, etc., for State Capitol Building, to be expended under direction of Secretary of State, six thousand dollars.

For State Printing, paper and official advertisements, and pay of expert, to be expended under the direction of the State Controller, Secretary of State, and a printing expert, or a majority of them, thirty thousand dollars.

For the support of and conducting the Orphans' Home, to be expended under the direction of the Board of Directors, twenty thousand dollars.

For the support of the Deaf, Dumb and Blind, to be expended

under the direction of the Superintendent of Public Instruction, one thousand dollars.

Same. For the care of and storage of State property, one hundred dollars.

For furniture of State Capitol building, to be expended under direction of State Treasurer, Secretary of State, and Clerk of the Supreme Court, fifteen thousand dollars.

For the purpose of paying such sums as may be found actually due by the Board of Examiners for fitting up the Legislative rooms in the State Capitol building for the session of eighteen hundred and seventy-one, including Legislature furniture, furnaces and heating apparatus generally, lamps, spittoons, clocks, etc., as contracted by the Secretary of State, ten thousand dollars, or so much thereof as may be necessary.

For contingent expenses of the State Prison, to be paid out under the direction of the Warden, three hundred dollars.

For pay or salary of agent or agents employed at Washington, in securing and hastening the approval of selections of lands, two thousand dollars.

Sworn statement required as to use of appropriations.

SEC. 2. The various State officers to whom appropriations other than salaries are made, under the provisions of this Act, shall, with their biennial reports, submit a detailed and itemized statement, under oath, of the manner in which all appropriations to their respective departments, other than the payment of salaries, have been expended; *provided*, that no officer shall use or appropriate any money for any purpose whatever, unless authorized to do so specifically by law.

Not to apply to specific appropriations.

SEC. 3. Nothing herein contained shall be so construed as to apply to any appropriation that may have been, or that may hereafter be, made specifically by law.

CHAP. LXXVI.—*An Act to grant the Right of way to A. L. Page, I. C. Bateman, George S. Dodge, and their associates, to build and maintain a Narrow Gauge Railroad through the Counties of Elko, Lander, Nye, White Pine and Lincoln.*

[Approved March 6, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Right of way granted.

SECTION 1. The right of way is hereby granted and given to A. L. Page, I. C. Bateman, George S. Dodge, and their associates, to build, locate and maintain a narrow gauge railroad through the counties of Elko, Lander, Nye, White Pine, and Lincoln, subject to the provisions of an Act of this State, entitled "An Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto," approved March twenty-second, one thousand eight hundred and sixty-five.

SEC. 2. The right of way hereby granted is more particularly described as follows, to-wit: Commencing at a point at or near the town of Palisades, on the Central Pacific Railroad; thence to a point at or near Mineral Hill; thence through Pine Valley to a point at or near McCluskey's; thence to a point at or near Simpson's Park to a point within eight miles of Austin; thence to a point at or near Dry Creek; thence direct to Eureka; thence direct to Hamilton, in White Pine county; thence by way of the most practical route to Pioche City; thence by the most practical route to a point on Colorado river; *provided*, they shall also have the right to construct and operate a telegraph line over their route, for their use and benefit, and the right to connect with or cross any railroad that is now, or that may be built hereafter; but they shall not interfere with the rights of other corporations acquired prior to the commencement of the survey of the line of their route.

SEC. 3. The survey and location of said road shall be commenced in four months from and after the passage of this Act; *and, it is further provided*; the preliminary and locating survey shall be completed in one year, and the locating survey recorded in the Secretary of State's office, as directed in an Act regulating railroads in this State, passed March twenty-second, eighteen hundred and sixty-five; *and, further provided*, that fifty miles of said road shall be completed, fully equipped, and in running order in one year from the first day of May, eighteen hundred and seventy-one; and that thereafter, fifty miles for each year shall be completed, equipped and in good running order, until the whole road is completed and equipped as required by this Act; *provided*, that not more than five cents per mile shall be charged as toll for passengers, and not to exceed fifteen cents per mile for freight per ton; and further, should any of the provisions of this Act be violated, the right of way, and all other privileges of franchise under this Act shall be null and void; *and, further provided*, that no Chinese or Mongolians shall be employed as laborers in the construction of said road, or after its completion, under penalty of forfeiture of the franchises granted by the provisions of this Act.

Right to
construct
telegraph
granted.

Survey rail-
road, when
to be com-
pleted and
filed.

Miles of
road to be
built
annually.

Rates of fare
and freight.

Chinese
labor pro-
hibited.

CHAP. LXXVII.—*An Act for the Relief of E. B. Hancock.*

[Approved March 6, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any funds in the State treasury not otherwise appropriated, for the purpose of reimbursing E. B. Hancock for losses sustained by reason of the discount upon warrants against the "Orphan's Home Fund," consequent upon the failure of the State to pay said warrants at the time the same became due.

\$1,000 ap-
propriated.

CHAP. LXXVIII.—*An Act to transfer certain Moneys from the Legislative Fund to the Senate Contingent Fund.*

[Approved March 6, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

\$1,000 transferred to Senate Contingent Fund.

\$1,200 transferred to Assembly Contingent Fund.

SECTION 1. The State Treasurer is authorized and required to transfer one thousand dollars from the Legislative Fund to the Senate Contingent Fund.

SEC. 2. The Treasurer of the State is hereby authorized and directed to transfer twelve hundred dollars from the Legislative Fund to the Contingent Fund of the Assembly.

CHAP. LXXIX.—*An Act to provide for the Payment of outstanding and unsatisfied claims for labor performed, money or material furnished, services rendered, and necessary expenses incurred in and about the Construction and Completion of the State Capitol at Carson City.*

[Approved March 6, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

A State special tax to be levied.

To create a State Capitol fund.

Unsatisfied claims to be presented to Board of Examiners.

For the relief of P. Cavanaugh.

SECTION 1. For the purposes recited in the title of this Act, there shall be levied and collected during the year one thousand eight hundred and seventy-one, and for each and every succeeding year thereafter, until the whole amount of receipts under the provisions of this Act shall equal sixty thousand dollars, a special tax of one eighth ($\frac{1}{8}$) of one per cent. upon all the taxable property in the State, the proceeds of which shall be placed in a fund to be known as the State Capitol Fund. Whenever the proceeds of the tax hereby levied shall reach and equal sixty thousand dollars, any surplus over that sum collected under said levy shall be placed in the general fund of the State.

SEC. 2. Any person having an unsatisfied *bona fide* claim against Peter Cavanaugh for labor actually performed, money or material actually furnished, services rendered or expenses necessarily incurred for and actually used in the construction or completion of the State Capitol at Carson, which claim has not been paid or secured, either in whole or in part, by warrants or orders for warrants upon the treasury, shall present the same to the State Board of Examiners within thirty days after the passage of this Act, itemized and duly verified, for their action as provided by law; *provided*, that if said Peter Cavanaugh can prove that by neglect of Capitol Commissioners to fulfil their portion of agreement as per contract, he shall be allowed a sum not exceeding six thousand (6,000) dollars, or so much thereof as he can prove

said Commissioners owe him for services and for money advanced, occasioned by change in original specification or contract, to be paid out of the fund created by the first section of this Act.

SEC. 3. If, upon examination, the Board of Examiners are satisfied that the labor was actually performed, or the material actually furnished, or the expenses necessarily incurred, in the construction of said State Capitol, and that all the money heretofore paid from the State treasury to said Cavanaugh or others, for the construction of said State Capitol, has been actually used for that purpose, and that no part of the claim has been paid or secured to be paid, they shall allow the same or so much thereof as they shall deem proper and just, and certify the claim, with their approval, to the Controller of State, who shall thereupon draw his warrant upon the State Treasurer for the amount so allowed, in favor of the party owning or holding such claim.

When and how the allowances to be made.

SEC. 4. No claim shall be allowed by the Board of Examiners against the fund created by this Act, nor shall the Controller draw any warrant against the same until the appropriation of one hundred thousand dollars, created by Act of February twenty-third, eighteen hundred and sixty-nine, entitled "An Act to provide for the erection of a State Capitol at Carson City," shall have been fully exhausted by indebtedness incurred, claims allowed, or warrants drawn against the same.

When allowances to be made against the fund herein created.

CHAP. LXXX.—*An Act to Tax and Regulate Foreign Insurance Companies doing business in this State.*

[Approved March 6, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. After the first day of May, in the year of our Lord, one thousand eight hundred and seventy-one, it shall not be lawful for any person or firm, officer or agent, to collect premiums of insurance in this State, in any manner, or in any capacity whatsoever, on either life, fire, or inland risks, for or on account of any company, association or individual insurers, not incorporated under the law of this State, unless such person or firm, officer or agent, shall have first filed with the Controller of State, the following described documents:

Foreign insurers to file documents with Controller.

First.—A certificate copy of the power of attorney, certificate of agency, open policy, commission or other authority or agreement under which such person, firm, officer or agent shall claim to be authorized to collect premiums of insurance in this State.

Documents to be filed.

Second.—A good and sufficient bond to be signed by the person or firm, officer or agent, so authorized by the powers of attorney, or other authority as aforesaid, as principal, with two good and sufficient sureties, to be approved by the Controller, in the penal sum of two thousand dollars for each fire insurance company, or

Same, bond.

one thousand dollars for each life insurance company, or three thousand dollars for each inland insurance company, association, firm or individual not incorporated under the laws of this State, for whose account it is proposed to collect premiums of insurance in this State, the conditions of such bonds to be as follows, viz:

Conditions of bond. First, That the person or firm, agent or officer, named therein, acting on behalf of the company, association, firm or individual named therein, will pay to the Treasurer of the county, or city and county in which the principal office of the agency shall be located such sum per quarter, quarterly in advance, for a license to transact an insurance business, or such other license or licenses as are or may be imposed by law, so long as the agency shall remain in the hands of the person or firm, officer or agent, named as principal in the bond. Second, That the person or firm, officer or agent so specified as above will pay, or cause to be paid to the State, all stamp duties on the gross amounts insured by them, in such manner and at such time as may be prescribed by law, inclusive of renewals on existing policies.

Stamp duties. *Third.*—That within thirty days after the first day of June, in the year of our Lord one thousand eight hundred and seventy-one, and within thirty days after the first of June in each succeeding year, the agent or officer named in the bond shall render to the Treasurer of the county or city and county in which the principal office of the agency shall be located, a statement sworn to by him, and exhibiting the gross amount of premiums collected by the agency, inclusive of the amounts collected by sub-agents throughout the State for each company or association, firm or individual insurer represented by him or them, respectively, from which shall be deducted the gross amount of return premiums; the first statement shall exhibit the amount so collected between the first day of February and the first day of June, in the year of our Lord one thousand eight hundred and seventy-one, and subsequent statements shall exhibit the amounts so collected during the year terminating on the first day of June in each year respectively; and that on filing the statements as herein required, the agent or agents or officer named in the bond, shall pay to the Treasurer of the county or city and county aforesaid, a tax of two per cent. on the amount of gross premiums, after deducting return premiums, as set forth in his statements and collected from fire and inland risks, and a tax of one per cent. on the amount of premiums collected from life risks, and for the purposes of this Act, all premiums shall be deemed to have been collected which have been entered up on the books of the agency.

Statement. **What statement shall exhibit.** **Who deemed agents.** **Express companies.** **Separate bond.**

Sec. 2. For the purposes of this Act, all persons, firms and officers of companies or associations not incorporated under the laws of this State, and engaged in collecting premiums of insurance directly or indirectly, on fire, life or inland risks, shall be deemed to be agents of foreign insurance companies, and liable to all the provisions of this Act; and all express companies, not so incorporated, as aforesaid, engaged in the carriage of treasure or merchandise from and within this State, and insuring the same, whether themselves assuming the risk, or whether the risks be re-insured by companies or associations not chartered by this State, shall be deemed to be foreign insurers within the meaning of this Act, and shall be required to file with the Controller, a separate

bond for each express company taking risks, as aforesaid, and for each foreign company or association, reinsuring them on such risk.

SEC. 3. Every person or firm who shall effect, agree to effect or procure any insurance for citizens of this State, from, or on account of any insurers or insurance companies whatever, not incorporated under the laws of this State, after the first day of May, in the year of our Lord one thousand eight hundred and seventy-one, without first having executed and filed the bond required in section one of this Act, shall be deemed guilty of a misdemeanor, and shall on conviction thereof be fined in the sum of two thousand dollars for each company or association on whose account such insurance shall have been effected, one half of such fine to be for the use of the State, and one half for the benefit of the informer. But nothing herein contained shall apply to the sub-agents or employes of any principal agent who shall have complied with the requirements of this Act.

Violation of Act.

Penalty.

SEC. 4. A copy of the bond herein required to be filed with the Controller, certified by that officer, shall be filed with the Treasurer of the county or city and county, where the principal office of the agency shall be located, before any license shall be issued to any agent for the transaction of insurance business, and shall remain on file in the office of the County Treasurer until he is notified in writing by the Controller of the termination of the agency and cancellation of the bond.

Copy of bond to be filed with County Treasurer.

SEC. 5. Whenever the same person, firm, officer or agent shall desire to collect premiums of insurance for more than one company, association or individual, not incorporated under the laws of this State, the Controller shall require a separate bond, as provided in section one, for each company or association so represented by such person, firm, officer or agent.

Separate bond for each company.

SEC. 6. If any agent or officer of a foreign insurance company, as defined in section two of this Act, shall make any false statement, concealment or misrepresentation in the sworn statement required by section one of this Act, with the intent to defraud the State of revenue, he shall be deemed guilty of perjury, and shall be liable, on conviction thereof, to the pains and penalties as provided by law for the punishment thereof. All penalties imposed by this Act shall be collected in the name of the people of this State, by the prosecuting attorney of the county, or city and county, where the offense shall have been committed.

False statement.

Penalties.

SEC. 7. Every fire insurance company or association, not incorporated under the laws of this State, shall, in addition to the payment of the annual tax upon premiums, as prescribed in section one of this Act, make a special deposit with some banker or bankers of this State, who shall be approved by the Controller of this State, before issuing any policies of insurance or taking any risks of any amount whatever, of the sum of fifty thousand dollars, in such bonds or certificates of indebtedness of this State as may be authorized to be issued by the State Legislature; *provided*, such State bonds shall be of an issuance the date of which shall be subsequent to the passage of this Act; *provided*, *further*, that if a sufficient amount of Nevada State bonds or certificates of indebtedness cannot be procured to carry out the provisions of this Act, then such deficiency may be made up by

Special deposit of bonds.

Proviso.

United States six per cent. bonds or other collateral deposits, as may be approved by the State Controller, by the first day of May, in the year of our Lord one thousand eight hundred and seventy-one; *provided*, said companies and associations shall duly execute, acknowledge and deliver, and cause to be duly recorded in the office of the Controller of State, a good and sufficient power of attorney to some person who shall be a citizen of the United States and a citizen and resident of the State of Nevada, which power, so long as such company shall have outstanding policies of insurance in said State, shall be irrevocable, except by substitution of other person or persons, qualified as aforesaid, authorizing and empowering such attorney or attorneys to accept service of all writs and processes requisite and necessary to the complete acquisition of jurisdiction of such company by any of the courts of this State or United States courts therein, and constituting such attorney or attorneys the authorized agent or agents of such company, upon whom lawful and valid service of all writs and process may be made in all actions or special proceedings instituted by or against any such company, in any of the courts of this State or in any Federal court within this State, and which shall be necessary to the acquisition or complete exercise of the jurisdiction aforesaid of said courts.

Banker to be approved by Controller.

No policy good unless this Act is complied with.

Bonds liable to attachment.

Further deposit.

Proviso.

SEC. 8. Such banker or bankers so approved by the Controller shall hold said stocks and bonds or certificates of indebtedness, on special deposit, as security for policy holders in said companies, but so long as any company so depositing shall continue solvent, and shall comply with all the requisites of the laws of this State applicable to such company, shall permit such company to collect the interest or dividends on its bonds or certificates of indebtedness so deposited, and from time to time to withdraw any of such securities on depositing with such banker or bankers so approved by the Controller, other like securities, the value of which shall be equal to the value of such as may be withdrawn.

SEC. 9. It shall not be lawful for any person to act within this State as agent or otherwise, in receiving or procuring application for insurance in, or in any manner to aid in transacting the insurance business of any company or association, not incorporated under the laws of this State, until he has procured a certificate from the Controller that the company or association for which he acts has complied with all the provisions of this Act; and for every such certificate, so obtained, the sum of five dollars shall be paid to the Controller, and all policies issued or insurance taken before the issuance of such certificate shall be null and void for all purposes whatever.

SEC. 10. All such bonds and certificates of indebtedness in the hands of such banker or bankers, so approved by the Controller, shall be liable to attachment or seizure under execution in any suit or judgment against such company or association, and within ten days after any such attachment or seizure the said company or association shall further deposit with such banker or bankers so approved by the Controller, such an amount of such bonds or certificates of indebtedness as shall equal in value what may have been sold; *provided*, that if at the time such further deposits may be required to be made there shall not be any State bonds subject to be disposed of by the State, such further deposit shall be made

in United States six per cent. bonds, California State bonds, or such other State bonds as may be approved by the Controller in an equal amount to the amount so seized or attached; and in case of failure by such company or association he shall revoke all certificates in behalf of said company or association, and shall cause a notification thereof to be published in some newspaper of the county of Storey for four weeks, and from the expiration of said ten days said company or association and all agents thereof shall discontinue the issuing of any new policy, or the taking of any further risks.

Sec. 11. When any such company transacting business within this State shall desire to relinquish its business, the Controller shall, on application of such company or association under oath of the president or principal officer or secretary, or any resident agent thereof, give notice of such intention in a newspaper printed and published in the county of Storey, at least twice a week for six months; and after such publication he shall direct such banker or bankers so approved by him, to deliver up, and they shall deliver up to such company or association the securities held by such banker or bankers belonging to such company, on being satisfied by the exhibition of the books and papers of such company or association kept by their agents or officers in this State, and upon the oath of the president or principal officer, or secretary of the same, or resident agent, that all debts and liabilities of every kind are paid and extinguished, that are due and may become due upon any contract or agreement made with any citizen of this State; *provided*, that the expense of all printing under this Act procured by the Controller shall be paid by such company before delivery of the securities.

Proceedings when company desire to relinquish business.

Proviso.

Sec. 12. There shall be levied upon and collected from each person, firm, officer or agent collecting premiums of insurance in this State, or in any manner or in any capacity whatsoever, on either fire, life or inland risks, for or on account of any company, association, corporation or individual, a license tax of twenty-five dollars per quarter year, payable quarterly in advance, to such officer as may be appointed under the revenue laws of this State. Such collector shall account for and pay over the same at the time and in the manner that may be provided by law for the payment of other State and county licenses; the Treasurer of the county or city and county, shall pay into the State Treasury all moneys collected under the provisions of this Act, at the same time and in the same manner as other moneys belonging to this State may be required to be paid; but nothing contained in this Act shall be construed to apply to sub-agencies reporting to and under control of the agent at the city or city and county where the principal office of the agency shall be located, and all requirements of this Act shall be complied with by the principal agent as aforesaid, who shall be deemed the agent for that purpose.

To be paid into State Treasury.

Sec. 13. Every willful violation of sections seven, eight, nine and ten of this Act, shall be deemed a misdemeanor and subject the party violating to a penalty of five hundred dollars for each violation, which shall be sued for and recovered in the name of the State of Nevada by the prosecuting attorney of the county in which the company or the agent or agents so violating shall be situated, and the said penalty when recovered shall be paid into

Violation of Act.

the treasury of said county. In case of non-payment of such penalty the party so offending shall be liable to imprisonment for a period not exceeding six months, in the discretion of any court having cognizance thereof.

Repeal. SEC. 14. All Acts and parts of Acts in relation to insurance companies, inconsistent with the provisions of this Act, are hereby repealed.

CHAP. LXXXI.—*An Act making Appropriations for Deficiencies in the fifth and sixth fiscal years.*

[Approved March 8, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Deficiency appropriations. SECTION 1. The following sums of money are hereby appropriated out of any money in the Treasury not otherwise appropriated, subject only to the appropriation for the payment of the salaries of the Justices of the Supreme Court :

For State prison claims. For supplies of Nevada State Prison, twenty thousand two hundred and seventeen dollars and forty-three cents, the same to be paid in the adjustment of the claims of

M. Rinkle, four thousand four hundred and eighty-five dollars and twenty-one cents.

George Zenovich, one hundred dollars.

Jacob Tobriner, two thousand seven hundred and fifty-one dollars and twenty-nine cents.

Same. A. B. Dresbach, one thousand two hundred dollars.

John E. Cheeney, ninety dollars and five cents.

Koppel & Platt, seven hundred and forty-one dollars.

J. Rosenstock, one thousand and twenty-eight dollars.

George Munckton, two hundred and eighty-five dollars and sixty-two cents.

C. B. Luce, three hundred and eighty-five dollars.

S. L. Lee, two hundred and fifty-two dollars and fifty cents.

Same. C. C. Green, seventy-five dollars.

C. F. Colton & Co., three hundred and thirty-three dollars and thirty-seven cents.

Mary Long, three hundred dollars.

R. C. Guirado, forty-four dollars.

George Munckton, forty dollars.

O. P. Willis, twenty dollars and twenty cents.

Sheyer & Morris, six hundred ninety-three dollars and eighty cents.

Same. C. W. Friend, five dollars.

Western Union Telegraph Company, seven dollars and fifty cents.

H. S. Mason, forty dollars.

F. D. Turner, six dollars and nine cents.

R. Sharp, six dollars and seventy-five cents.

Warren Wasson, two hundred and seventy-five dollars.

C. N. Noteware, one hundred ninety-three dollars and thirty-four cents.

Joseph Butler, two hundred twenty-one dollars and eighty-cents.

Kitzmeyer Brothers, eighteen dollars.

Same.

W. Bowen, four hundred and twenty dollars.

A. Biggs, two hundred and ten dollars.

O. A. Dingman, four hundred and twenty dollars.

T. Hawkins, four hundred and twenty dollars.

A. Jenkins, one hundred fifty-six dollars and thirty-three cents.

M. Powell, eleven dollars and sixty-six cents.

A. Lawlor, seventy dollars.

E. F. Parker, one hundred twenty-three dollars and fifty-nine cents. Same.

James Miller, four hundred and twenty dollars.

A. B. Lowe, two hundred and ten dollars.

L. Lachapelle, two hundred and ten dollars.

Miles E. Reese, four hundred and eighty dollars.

Frank Rockwell, three hundred and twenty-six dollars and sixty cents.

D. Thomas, eighty-eight dollars and sixty-four cents.

John West, four hundred and twenty dollars.

J. D. Whipple, seven hundred and twenty dollars.

Same.

John Burgoyne, seven hundred and twenty-two dollars and fifty cents.

W. D. Torreyson, one hundred and sixty-three dollars and twenty-five cents.

E. B. Rail, two hundred and fifty-five dollars and sixty cents.

Gillig, Mott & Co., eighteen dollars and eighty-six cents.

Wells, Fargo, & Co., thirty-five dollars and eighty-seven cents. Same.

J. R. Cowan, one hundred and seven dollars.

S. C. Wright, one hundred and ninety-five dollars.

D. C. Turner, three dollars and ten cents.

A. Greenebaum, seven dollars and fifty cents.

John Driesbach, nine dollars.

J. A. Lovejoy, fourteen dollars and seventy-five cents.

A. M. Buckley, twenty dollars.

Same.

C. N. Noteware, sixty-six dollars and sixty-six cents.

John G. Fox, thirty-three dollars and twenty-five cents.

E. E. Scott, ten dollars.

A. H. Davis & Son, seventy-five dollars.

A. C. Bragg, ten dollars.

R. Crabb, seventy-four dollars.

Estate of T. G. Smith, ninety dollars and seventy-five cents.

For miscellaneous deficiency claims against the State, the following sums are hereby appropriated: For miscellaneous claims.

To C. C. Batterman fifty dollars.

To C. C. Batterman, two hundred and fifty-two dollars.

To C. C. Batterman, two thousand forty-one dollars and sixty-six cents.

To Alfred Helm, ninety-five dollars.

Same.

To George Munckton, fifty-eight dollars and fifty cents.

To Thomas Smith, sixty dollars.

To R. S. Mesick, seven hundred and fifty dollars.

To S. T. Swift, two hundred and twelve dollars and twenty-five cents.

To A. N. Fisher, forty dollars.

To T. J. Edwards, one hundred and sixty-three dollars and five cents.

To E. D. Sweeney, eighty dollars and thirty-eight cents.

To H. K. Arnold, eleven dollars and fifteen cents.

Same.

To L. Doron, one hundred and twenty-five dollars.

To John Day, two hundred and forty dollars.

To S. D. King, twelve dollars.

To Wells, Fargo & Co., one hundred and seventeen dollars and fifty cents.

To F. King, thirty-five dollars.

Same.

To C. N. Noteware, one hundred and twenty-five dollars.

For storing State arms, ninety dollars.

To John G. Fox, forty dollars and twenty-five cents.

To pay piece of Legislative scrip issued to J. R. Williamson, 1867, one hundred and sixty dollars.

To pay piece of Legislative scrip issued to J. J. Linn, 1867, sixteen dollars.

Same.

To pay piece of Legislative scrip issued to John E. Isaacs, 1867, seventy-two dollars.

To pay piece of Legislative scrip issued to D. W. Whepley, 1867, eight dollars.

For enrolling bills, two hundred dollars.

To pay balance due Insane Asylum of California, fifteen hundred and sixty-nine dollars and thirteen cents.

Same.

To C. H. Maish, twenty dollars.

To John Driesbach, twenty-three dollars and fifty cents.

To Z. Pierce, twenty-seven dollars and twenty-three cents.

To E. B. Rail, eighty-one dollars and twenty-three cents.

To E. B. Rail, eight dollars and fifty cents.

To John G. Fox, sixteen dollars.

To F. Ludlow, fifty-one dollars and seventeen cents.

To John G. Fox, forty dollars and twenty-five cents.

And there is hereby appropriated the further sum of eight hundred and six dollars and seventy-two cents to cover deficiency in State Prison appropriation, as follows:

Same.

To A. B. Lowe, two hundred and ten dollars.

To Miles E. Reese, two hundred and forty dollars.

To David Thomas, one hundred and sixteen dollars and forty cents.

To A. Biggs, two hundred and ten dollars.

To L. Lachapelle, thirty dollars and thirty-one cents;

Proviso.

Provided, that the sums in this Act enumerated shall be and they are hereby appropriated as full payment of the claims in this Act recited.

CHAP. LXXXII.—*An Act to amend an Act entitled "An Act prescribing rules and regulations for the execution of Trust," arising under the Act of Congress entitled 'An Act for the Relief of the inhabitants of cities and towns on Public Lands,' approved March 2d, 1867;" approved February 10th, 1869.*

[Approved March 8, 1871.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of the above entitled Act is amended so as to read as follows:

Section Three. Within ninety days after the receipt by them or him of a patent for such lands, the corporate authorities or judge entering the same shall give public notice thereof by publishing such notice in a newspaper printed and published in the county in which such city or town shall be situated, or in case there shall not be any newspaper published in said county, then in some newspaper printed and published at the seat of government of this State. Such notice shall be so published, once in each week for at least six successive weeks, or thirty days daily; and said notice shall also be posted in six of the most public places in said city or town, for thirty days, and shall contain a correct description of the lands so entered, as the same is stated in the patent.

Notice to be given within ninety days after receipt of patent.

How given.

SEC. 2. Section four of said Act is amended so as to read as follows:

Section Four. Each and every person, company of persons, associations or corporations, claiming to be an occupant or occupants, or to have, possess, or be entitled to the right of occupancy or possession of such lands, or any block, lot, share or parcel thereof, shall, within six months after the first publication of such notice, in person, or by his, her, their, or its duly authorized agent or attorney, sign a statement in writing containing a correct description of the particular parcel, or parts, in which he, she, they, or it, claim to be entitled to receive, and deliver the same to, or into the office of such corporate authorities, or judge; and all persons failing to sign and deliver such statement within the time specified in this section, shall be forever debarred the right of claiming or recovering such lands; or any interest or entail therein, or in any part, parcel, or share thereof, in any court of law or equity; *provided*, that the bar to the right of claiming or recovering such lands, or any interest or entail therein, as in this section provided, shall not apply to minors or insane persons; *and, provided further*, that all applications for conveyances under this Act for the benefit of minors and insane persons shall be made by the guardian or trustee of such minor or insane person, and all applications for such conveyances for the benefit of married women, may be made by their husbands if in this State; but in case of the absence of the husband from this State, or his refusal to make such application, then such married woman may apply in her own name.

Claimant to sign statement in writing.

When debarred.

How made in certain cases.

SEC. 3. Section seven of said Act is amended so as to read as follows:

Deed to be made out on payment of purchase money and expenses.

Section Seven. After the issuance of the patent for such lands, it shall be the duty of the corporate authorities or judge, to whom such patent shall issue, to make out, execute, and deliver to each person, company, association or corporation, who may be legally entitled to the same, a deed in fee simple, for such part or parts, lot or lots of land on payment of his, her, their, or its, proper and due proportion of the purchase money for such land, together with his, her, their or its proportion of such sum as may be necessary to pay for streets, alleys, squares, and public grounds, not to exceed fifty cents for each lot, and also such further sums as shall be a reasonable compensation for executing and acknowledging such deed, not exceeding the sum of three dollars for the first, and one dollar for each additional lot claimed by the same owner, for counsel fee, and for moneys expended, in the acquisition of the title and the administration of the trust, including reasonable charges for time and services while employed in such trust, not exceeding the sum of one dollar for each lot; *provided*, that no estimate shall be made for counsel fee, unless the same shall have been actually and necessarily expended; and the foregoing charges shall be full payment for all expenses attending the execution, except for revenue stamps; *provided*, that deeds made under the provisions of this Act for the benefit of minors and insane persons, shall be to the guardian or trustee of such minor or insane person, as the case may be, in trust for such minor or insane person.

Limitation of fees and costs.

Proviso.

Deeds to minors or insane persons, how made.

Claimants who have complied with provisions, Section 4 of Act of 1869 not to be affected by this.

SEC. 4. Nothing in this Act shall be so construed as to in any manner affect any of the provisions contained in section four of the Act of which this Act is amendatory, in those cases where notice to claimants prior to the passage of this Act has been published in a newspaper for ten or more successive weeks, and at least six months shall have elapsed since the first publication of said notice; but the trust shall in all particulars be carried out and executed in accordance with the provisions of said section four.

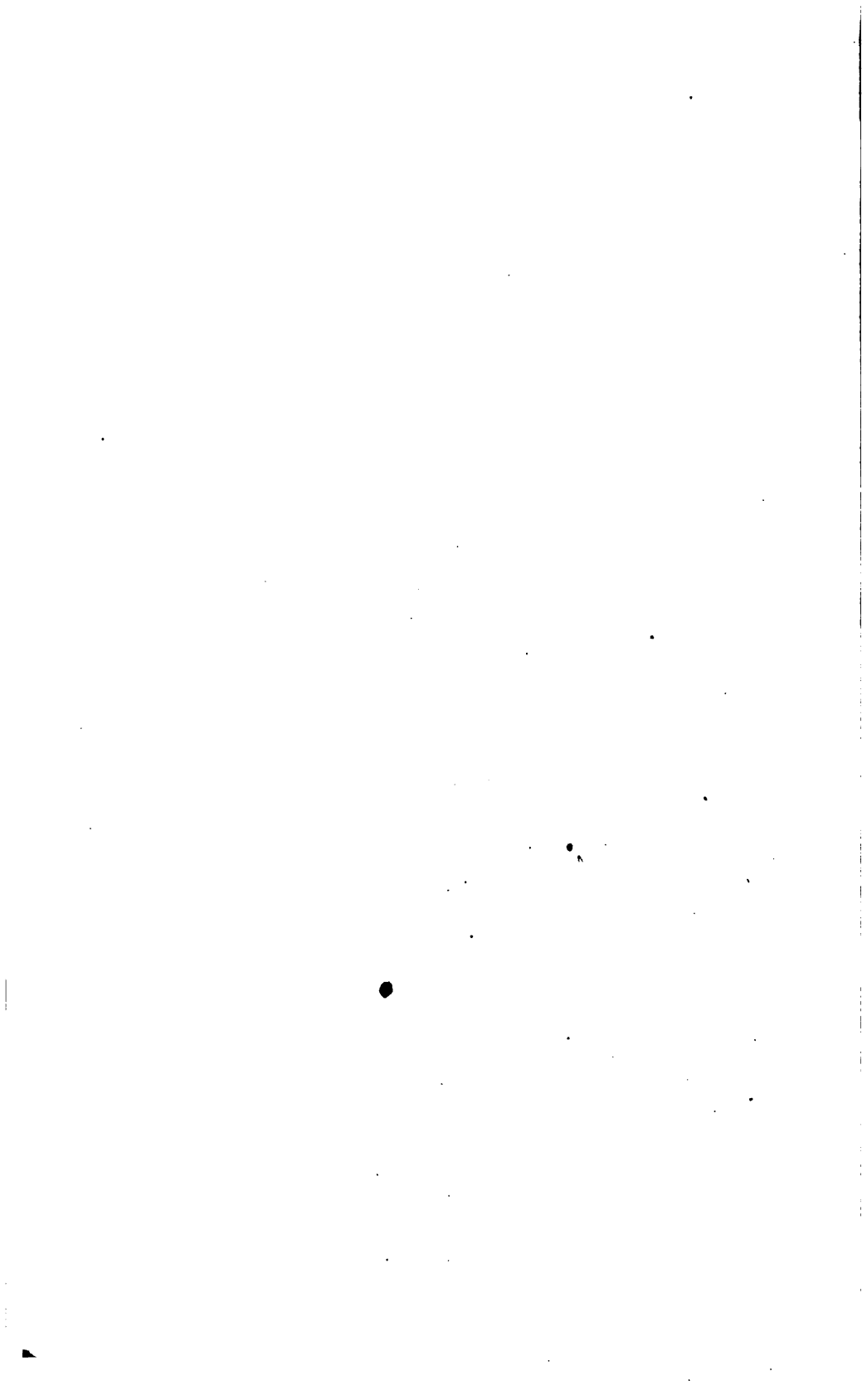
Survey of town site, how made and paid for

SEC. 5. In all cases where it shall become necessary in the opinion of the citizens of the town to make a survey of any town site, for the purpose of identifying or locating the lots, blocks, squares, streets or alleys, contained within the limits of said town site, a fee of — cents for each lot shall be paid to the Trustees to defray the expenses of said survey, which said fee shall be paid by the claimants *pro rata*.

Failure or disability of trustee, how remedied.

SEC. 6. In case of death or ninety days absence from the State, or other disability of the Trustee to execute the trust created by said Act of Congress, it shall be lawful for the corporate authorities or judge of the district in which any such city or town is situated, who may succeed said Trustee in office, to assume said trust, and they or he shall be authorized, and they are hereby empowered to execute the same in all respects in the same manner, subject to all the duties and requirements as provided in this Act.

Resolutions and Memorials.



RESOLUTIONS AND MEMORIALS

PASSED AT THE

FIFTH SESSION OF NEVADA LEGISLATURE, 1871.

ASSEMBLY RESOLUTIONS.

No. I.—*Assembly Concurrent Resolution.*

[Passed January 10, 1871.]

Resolved, by the Assembly, the Senate concurring, That a committee of three be appointed, one from the Senate and two from the Assembly, to ascertain the amount of property belonging to the State, formerly used by the two Houses of the Legislature, said committee to report a full inventory of such property. Relative to legislative property.

No. II.—*Assembly Concurrent Resolution.*

[Passed January 11, 1871.]

Resolved, by the Assembly, the Senate concurring, That William H. Henderson, County Recorder of Lincoln County, is hereby granted leave of absence from the State for three months; Wm. H. Henderson granted leave of absence. *provided*, he leave a competent deputy to fulfill the duties of the office during his absence.

No. III.—*Assembly Concurrent Resolution.*

[Passed January 13, 1871.]

Relative to
title to State
Prison.

Resolved, by the Assembly, the Senate concurring, That a special committee of five, three from the Assembly, and two from the Senate, be appointed to inquire into and report to their respective Houses, what action (if any) is necessary to perfect the title of the State to the grounds and buildings known as the State Prison. Said committee to be appointed by the President in the Senate, and by the Speaker in the Assembly, and to have power to send for persons and papers, and to administer oaths, and to employ a clerk at five dollars per day.

No. IV.—*Assembly Concurrent Resolution.*

[Passed January 13, 1871.]

Relative to
title to Plaza

Resolved, by the Assembly, the Senate concurring, That a committee of three, one from the Senate and two from the Assembly, be appointed by the chair. Said committee to examine and report upon the title of the State to the ground known as the Plaza, on which the Capitol Building is situate.

No. V.—*Assembly Concurrent Resolution.*

[Passed January 13, 1871.]

Relative to
printing,
etc., Gov-
ernor's
inaugural
address.

Resolved, by the Assembly, the Senate concurring, That fifteen hundred copies of the Governor's Inaugural Address be printed, eight hundred for the Assembly; five hundred for the Senate, and two hundred for State officers.

No. VI.—*Assembly Concurrent Resolution.*

[Passed January 14, 1871.]

Requesting
Capitol
Commis-
sioners to
make report

Resolved, by the Assembly, the Senate concurring, That the Board of State Capitol Commissioners be, and are hereby requested to make their report in accordance with section fifteen of an Act entitled an Act to provide for the erection of State Capitol at Carson City.

No. VII.—*Assembly Concurrent Resolution.*

[Passed January 14, 1871.]

Resolved, by the Assembly, the Senate concurring, That the following number of Homographic Charts of the Nevada State Government be ordered printed and furnished as follows: Ten copies to each member and attaché of the Legislature, and two hundred and fifty copies to the Secretary of State for distribution among the State officers and public libraries. Printing homographic charts, etc.

No. VIII.—*Assembly Concurrent Resolution relative to Sergeants-at-Arms of both Houses of the Legislature giving Bonds.*

[Passed January 27, 1871.]

Resolved, by the Assembly, the Senate concurring, That the Sergeants-at-Arms of the Assembly and Senate respectively be, and they are hereby each required forthwith to execute a bond to the State of Nevada, in the penal sum of ten thousand dollars in United States gold coin, with two sufficient sureties, to be approved by the Governor, to the effect that they will safely keep and preserve all moneys that may come into their hands out of the Contingent Fund, created by an Act entitled "An Act to create a Legislative Fund," and pay the same out only upon resolution of their respective Houses. Upon the approval of said bonds the Governor shall file the same with the State Controller and report such action to the Legislature. Sergeants-at-arms required to execute bonds.

No. IX.—*Assembly Concurrent Resolution relating to Mail Service from Wadsworth to Belmont, Nevada.*

[Passed February 10, 1871.]

WHEREAS, The rapid increase of population and extensive development of mineral and agricultural resources, and the rapid increase of business in the central portion of our State, embracing St. Clair's Station, Stillwater, West Gate, Ellsworth and San Antonio; and, Relative to mail service from Wadsworth to Belmont.

Whereas, The amount of capital invested, the enterprise and industry of the population and their isolated condition from any mail communication, render a semi-weekly mail of the utmost importance to the business public of that section; therefore, be it

Resolved, by the Assembly, the Senate concurring, That our Senators be instructed, and our Representative in Congress be

requested, to use all honorable means in their power with the proper department at Washington to procure at as early a day as practicable a semi-weekly mail service from Wadsworth, Washoe County, Nevada, *via* St. Clair's Station, Stillwater and West Gate, Churchill County, Nevada, and Ellsworth and San Antonio to Belmont, Nye County, Nevada, and for the establishment of three postoffices on said route, viz: One office at St. Clair's Station, Churchill County; one office at Stillwater, Churchill County, and one office at San Antonio, Nye County, Nevada.

Resolved, That the Governor be requested to forward a copy hereof to each of the United States Senators and to our Representative in Congress.

No. X.—*Assembly Concurrent Resolution relative to Mail Service from Winnemucca to Camp Winfield Scott, Humboldt County, Nevada.*

[Passed February 15, 1871.]

Relative to
mail route
from Win-
nemucca to
Camp Win-
field Scott.

WHEREAS, The large and growing community in Paradise Valley is entirely destitute of mail facilities, other than such as are provided by private individuals at a heavy cost to the settlers residing in said valley; therefore, be it

Resolved, by the Assembly, the Senate concurring, That our Senators be instructed, and our Representative in Congress be requested, to use all honorable and proper means to procure the establishment of a mail route from Winnemucca to Camp Winfield Scott, at the head of Paradise Valley, in said Humboldt County, Nevada.

No. XI.—*Assembly Concurrent Resolution relative to instructing Representatives in Congress to use their influence to induce the Government to list over the lands belonging to the Central Pacific Railroad in this State.*

[Passed February 20, 1871.]

Relative to
listing over
lands.

Resolved, by the Assembly, the Senate concurring, That we most earnestly and respectfully urge upon our Senators and Representative in Congress to use such means and employ such efforts as to them shall seem necessary in order to secure the listing over by the proper authorities of the Government, all lands accruing to the Central Pacific Railroad Company in the State of Nevada, as soon as the plats of the surveys covering such lands are returned to the office of the United States Land Commissioner in Washington.

No. XII.—*Assembly Concurrent Resolution relating to Mail Service from Pine Grove to Rockland, Nevada.*

[Passed March 21, 1871.]

WHEREAS, Mineral resources have been rapidly and extensively developed and population has rapidly increased in the town of Rockland and vicinity, in Esmeralda County, Nevada; and, Relative to
mail service
etc.

Whereas, The immense amount of capital invested, and the industry and enterprise of the population and their isolated condition from mail communication, render a tri-weekly mail service from Pine Grove to Rockland and the establishment of a postoffice at Rockland, of the utmost importance to the business public of the above named section; therefore, be it

Resolved, by the Assembly, the Senate concurring, That our Senators be instructed, and our Representative in Congress be requested, to use all means and honorable endeavors within their power with the Postoffice Department at Washington, to procure at as early a time as practicable a tri-weekly mail service from Pine Grove, Esmeralda County, Nevada, to Rockland, Esmeralda County, Nevada, and for the establishment of a postoffice at Rockland, Esmeralda County, Nevada.

Resolved, That the Governor be requested to forward a copy hereof to each of our United States Senators and our Representative in Congress.

No. XIII.—*Assembly Concurrent Resolution relating to Mail Service from Wadsworth, Nevada, to Fort Independence, California.*

[Passed February 25, 1871.]

WHEREAS, The rapid increase of population and extensive development of mineral and agricultural resources, and the rapid increase of business in the southern portion of our State, embracing Metallic District, Columbus, Silver Peak, Palmetto and Fish Lake Valley; and, Relative to
mail service
etc.

Whereas, The amount of capital invested, the enterprise and industry of the population and their isolated condition from any direct mail communication, render a weekly mail service of the utmost importance to the business public of that section; therefore, be it

Resolved, by the Assembly, the Senate concurring, That our Senators be instructed, and our Representative in Congress be requested, to use all honorable means within their power with the proper department at Washington, to procure at as early a day as practicable, a weekly mail service from Wadsworth, Washoe County, Nevada, via Walker River, Metallic District, Road's Salt Marsh, Columbus, Silver Peak, Palmetto, and Fish Lake Valley, Esmeralda County, Nevada, to Fort Independence, Inyo

County, California, and for the establishment of two additional postoffices on said route: one office at Metallic District, Esmeralda County, Nevada, and one office at Fish Lake Valley, Esmeralda County, Nevada.

Resolved, That the Governor be requested to forward a copy hereof to each of our United States Senators and Representative in Congress.

No. XIV.—*Assembly Concurrent Resolution relative to granting Leave of Absence to F. H. Harmon, District Attorney of Lander County.*

[Passed February 25, 1871.]

F. H. Harmon granted leave of absence.

Resolved, by the Assembly, the Senate concurring, That F. H. Harmon, District Attorney of Lander County, is hereby granted leave of absence from this State for the period of six months, at any time during his term of office; *provided*, that said District Attorney shall have a competent deputy to discharge all the duties of said office required by law during his absence.

No. XV.—*Assembly Concurrent Resolution relative to granting Leave of Absence to John H. Dennis, Clerk of Lander County.*

[Passed March 2, 1871.]

John H. Dennis granted leave of absence.

Resolved, by the Assembly, the Senate concurring, That John H. Dennis, County Clerk of Lander County, is hereby granted leave of absence from this State for the period of six months, at any time during the term of his office; *provided*, that he shall have a competent deputy to discharge the duties of said office required by law during his absence.

No. XVI.—*Assembly Concurrent Resolution in relation to the establishment of a weekly Mail Service between the towns of Elko and Tuscarora, Nevada.*

[Passed March 2, 1871.]

Relative to mail service between Elko and Tuscarora.

WHEREAS, The citizens of the town of Tuscarora, Independence Valley, Elko County, Nevada, are wholly and entirely dependent upon individual and private enterprise for mail facilities; and,

Whereas, Such means of intercourse or mail facilities are not only burdensome, but irregular and uncertain, particularly during the inclement season of the year, arising from the peculiar character of the country and its surroundings; therefore, be it

Resolved, by the Assembly, the Senate concurring, That our Senators be instructed, and our Representative in Congress be requested, to use all honorable means within their power with the proper department at Washington, to procure at as early a day as practicable, a weekly mail service from Elko, Nevada, to said town of Tuscarora, Nevada.

Resolved, That the Governor be requested to forward a copy thereof to each of our Senators and Representative in Congress.

SENATE RESOLUTIONS AND MEMORIALS.

No. I.—*Senate Concurrent Resolution relative to Printing Governor's Message.*

[Passed January 4, 1871.]

Relative to
printing
Governor's
Message. *Resolved*, by the Senate, the Assembly concurring, That one thousand copies of the Governor's Message be printed; two hundred and fifty copies for the Governor; two hundred and fifty copies for the Senate, and five hundred copies for the Assembly.

No. II.—*Senate Concurrent Resolution relative to printing Report of State Mineralogist.*

[Passed January 6, 1871.]

Relative to
printing
report of
Mineral-
ogist. *Resolved*, by the Senate, the Assembly concurring, That fifteen hundred copies of the Report of the State Mineralogist be ordered printed; nine hundred for the Assembly; five hundred for the Senate, and one hundred for the State Mineralogist.

No. III.—*Senate Concurrent Resolution relative to committee to make arrangements for the Installation of the State Officers elect.*

[Passed January 9, 1871.]

Relative to
installation
Governor
and Lieut.
Governor. *Resolved*, by the Senate, the Assembly concurring, That a committee of three, to be composed of one from the Senate and two from the Assembly, be appointed to wait upon the Governor and Lieutenant-Governor elect, to ascertain their pleasure in reference to their installation in office, and that said committee make all necessary arrangements on the part of the two Houses pertaining to said installation.

No. IV.—*Senate Concurrent Resolution relative to appointing a Joint Committee on Defalcation in late State Treasurer, E. Rhoades', accounts.*

[Passed January 9, 1871.]

WHEREAS, It appears from the Governor's Message, transmitted to the Legislature, that a defalcation in the State Treasury of over one hundred and six thousand dollars exists; and,

Whereas, Judgment has been duly rendered in the District Court of the Second Judicial District of the State of Nevada, against the bondsmen of the defaulting Treasurer; and,

Whereas, Certain of said bondsmen are reputed insolvent; therefore,

Resolved, by the Senate, the Assembly concurring, That a joint committee of seven be appointed, three from the Senate and four from the Assembly, to examine into and report upon the defalcation of the late State Treasurer, E. Rhoades, the probable amount that can be collected on execution of his bondsmen, and to further inquire into the dereliction of duty on the part of the Board of Examiners, in failing to comply with the requirements of an Act entitled "An Act relating to the Board of Examiners, to define their duties and powers, and to impose certain duties on the Controller and Treasurer," approved February 7, 1865, with power to employ a clerk, and to send for persons and papers, and to administer oaths.

Relative to appointment of joint committee on defalcation of late State Treasurer.

No. V.—*Senate Concurrent Resolution relative to the Sergeant-at-Arms distributing copies of printed Bills.*

[Passed January 10, 1871.]

Resolved, by the Senate, the Assembly concurring, That the Sergeant-at-Arms of the Senate is hereby directed to deliver to the Sergeant-at-Arms of the Assembly, for the use of the Assembly, two thirds of the number of copies of all bills printed by order of the Senate, and the Sergeant-at-Arms of the Assembly is hereby directed to deliver to the Sergeant-at-Arms of the Senate, for the use of the Senate, one third of the number of copies of all bills printed by order of the Assembly.

Relative to distribution of printed bills.

No. VI.—*Senate Concurrent Resolution.*

[Passed January 12, 1871.]

Resolved, by the Senate, the Assembly concurring, That the joint committee appointed to investigate the defalcation in treasury, etc., be, and hereby is, instructed to report the date when the defalcation occurred.

Instruction to joint committee on defalcation.

No. VII.—*Senate Concurrent Resolution relative to distribution of Report of State Mineralogist.*

[Passed January 12, 1871.]

Relative to
distribution
of report
of State
Mineral-
ogist.

Resolved, by the Senate, the Assembly concurring, That the fifteen hundred copies of the biennial Report of the State Mineralogist, heretofore ordered printed, shall be appropriated and distributed as follows: The State Printer is hereby instructed to deliver to the Sergeant-at-Arms of the Senate, two hundred and forty copies; to the Sergeant-at-Arms of the Assembly, four hundred and eighty copies; to the State Mineralogist, one hundred and thirty copies; to the Secretary of State, two hundred copies, to be by him distributed among the Governors and other State officials and State librarians of the several States, and four hundred and fifty copies to the Secretary of State, to be by him transmitted in equal proportions to our Senators and Representative in Congress.

No. VIII.—*Senate Concurrent Resolution relative to printing Report of Superintendent of Public Instruction.*

[Passed January 14, 1871.]

Relative to
printing
and dis-
tribution of
report of
Superin-
tendent
Public In-
struction.

Resolved, by the Senate, the Assembly concurring, That seven hundred and twenty copies of the report and accompanying documents, except that numbered one, of the State Superintendent of Public Instruction be printed, three hundred copies thereof being for the use of the members of the Assembly, and one hundred and fifty copies thereof for the use of the members of the Senate, and thirty copies thereof to be delivered to the Secretary of State, and the balance to be delivered to the Superintendent of Public Instruction, for the use of School District Trustees, County Superintendents and others in his department, and to supply exchange with States and counties.

No. IX.—*Senate Concurrent Resolution relative to using Furniture of last Legislature in State Orphans' Home.*

[Passed January 18, 1871.]

Relative to
use of fur-
niture for
Orphans'
Home.

Resolved, by the Senate, the Assembly concurring, That the Board of State Orphans' Home Commissioners be, and are hereby authorized to use, in fitting a school room in the State Orphans' Home Building, all of the old Legislative furniture not otherwise appropriated.

No. X.—*Senate Concurrent Resolution relative to Secretary of State furnishing Fuel for Senate and Assembly.*

[Passed January 19, 1871.]

Resolved, by the Senate, the Assembly concurring, That the Secretary of State be, and he is hereby instructed, to furnish the necessary fuel for the Senate and Assembly, and to paint the air-pipes leading from the furnaces to the legislative chambers, and that the same be paid for out of the contingent funds of each House, when created, in equal proportions.

Instructing Secretary of State to furnish fuel, etc.

No. XI.—*Memorial and Resolution relative to repealing laws imposing Duties on Quicksilver.*

[Passed January 20, 1871.]

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialist, the Legislature of the State of Nevada, would respectfully represent, that the leading industry of this State is mining for the precious metals; and to the production of such metals, and the successful working of the mines of silver and gold, the capitalist must look for wealth and the laborer for employment. Your memorialist would further represent, that in the reduction of the ores found in this State, quicksilver is absolutely required for the purpose of amalgamation, and that there is an average loss of quicksilver in the working of said ores of one and a half pounds to the ton of ore reduced. It is further represented, that the price of quicksilver has advanced in this State from fifty-five cents per pound in the year A. D. eighteen hundred and sixty-two, to ninety cents, its present price, and that in consequence of the increased price of said metal vast quantities of low grade ores and tailings cannot now be worked; that the product of all the quicksilver mines in the United States is in the hands and under the control of a single corporation or association, and being so controlled, there is no competition either in the working of such mines or sale of their product. Your memorialist would further represent, that there is produced on the Pacific coast a quantity of quicksilver much larger than the consumption of the whole United States, and therefore the Government derives no benefit from the duty imposed upon the foreign product. Your memorialist therefore prays that all laws imposing any duty whatever on quicksilver imported from foreign countries be repealed.

Relative to repealing laws imposing duties on quicksilver.

Resolved, by the Senate, the Assembly concurring, That the Governor of the State of Nevada be, and is hereby, authorized to cause to be made a copy of this memorial, and forward the same to our Senators and Representative in Congress.

No. XII.—*Senate Concurrent Resolution relative to printing Reports of State Treasurer and Controller.*

[Passed February 1, 1871.]

Printing
and distri-
bution of
reports of
Treasurer
and Con-
troller.

Resolved, by the Senate, the Assembly concurring, That fifteen hundred copies each of the Reports of the Treasurer and Controller be ordered printed, to be distributed in the same manner as is provided for the distribution of the Report of the State Mineralogist.

No. XIII.—*Senate Concurrent Resolution relative to printing two hundred and forty copies of Rules and Joint Rules of Senate and Assembly.*

[Passed February 1, 1871.]

Relative
printing,
etc., rules
and joint
rules.

Resolved, by the Senate, the Assembly concurring, That two hundred and forty copies of the rules and joint rules of the Senate and Assembly be ordered printed, eighty copies for the Senate and one hundred and fifty copies for the Assembly.

No. XIV.—*Senate Concurrent Resolution relative to printing Report of Surveyor-General and State Land Register.*

[Passed February 1, 1871.]

Printing,
etc., report
of Surveyor-
General and
Register.

Resolved, by the Senate, the Assembly concurring, That fifteen hundred copies of the Report of the Surveyor-General and State Land Register be ordered printed; two hundred copies to each Representative in Congress, four hundred and eighty copies for the Assembly, two hundred and forty copies for the Senate and one hundred and eighty copies for the Surveyor-General.

No. XV.—*Senate Concurrent Resolution relative to granting Leave of Absence to N. H. Westfall, Sheriff of Humboldt County.*

[Passed February 6, 1871.]

N. H. West-
fall granted
leave of
absence.

Resolved, by the Senate, the Assembly concurring, That N. H. Westfall, Sheriff of Humboldt County, is hereby granted leave of absence from the State, at any time in the year one thousand

eight hundred and seventy-one, for a period of ninety days; *provided*, said Sheriff shall have a competent deputy to discharge the duties of his office in his absence.

No. XVI.—*Senate Concurrent Resolution relative to granting Leave of Absence to John Kane, Sheriff of Lincoln County.*

[Passed February 10, 1871.]

Resolved, by the Senate, the Assembly concurring, That John Kane, Sheriff of Lincoln County, be, and he hereby is, granted leave of absence from said county or State for the period of six months, in the year A. D. one thousand eight hundred and seventy-one.

No. XVII.—*Senate Concurrent Resolution relative to printing Reports of Committees on Title to Capitol Grounds, Capitol Commissioners, and Committee on Title to State Prison Grounds.*

[Passed February 13, 1871.]

Resolved, by the Senate, the Assembly concurring, That seven hundred and twenty copies of the Report of Committee on Title to Capitol Grounds, and the Report of the Capitol Commissioners, and of the Report of Committee on Title to State Prison Grounds, and the three reports submitted be printed in one pamphlet.

No. XVIII.—*Senate Concurrent Resolution relative to Committee on Defalcation.*

[Passed February 13, 1871.]

Resolved, by the Senate, the Assembly concurring, That the joint committee of the Senate and Assembly, charged with the duty of investigating the matter of the defalcation in the State Treasury, be, and are hereby, instructed to report forthwith their reasons for not proceeding to such investigation.

No. XIX.—*Senate Concurrent Resolution relative to appointment of committee from Senate and Assembly to select subjects from which to order Paintings for the two Houses.*

[Passed February 14, 1871.]

Relative to appointment of Committee on painting for the two Houses. *Resolved*, by the Senate, the Assembly concurring, That a committee, consisting of two from the Senate and three from the Assembly, be appointed, whose duty it shall be to select suitable subjects for two paintings for the two Houses.

No. XX.—*Senate Concurrent Resolution relative to the employment of Chinese in the U. S. Branch Mint, Carson City, Nevada.*

[Passed February 16, 1871.]

Relative to employment of Chinese in U. S. Branch Mint, etc. *Resolved*, by the Senate, the Assembly concurring, that our Senators and Representative in Congress be requested to use all proper influence to prevent the employment of Chinese in and about the United States Branch Mint, at Carson City, Nevada, or upon any government work within the State of Nevada.

The Governor of this State is respectfully requested to cause to be forwarded to the Senators and Representative aforesaid copies of this resolution.

No. XXI.—*Senate Joint Resolution relative to Swamp and Overflowed Lands.*

[Passed February 18, 1871.]

Swamp and overflowed lands in this State. *WHEREAS*, there is within the State of Nevada a large quantity of Swamp and Overflowed Lands; *and, whereas*, the Congress of the United States on the twenty-eighth day of September, one thousand eight hundred and fifty, and at various times since, granted such lands to various States of the Union wherein situated; *and, whereas*, the benefits conferred by said Acts of Congress have not been extended to the State of Nevada; *therefore*,

Asking Congress to grant the same to this State. *Resolved*, by the Senate and the Assembly of the State of Nevada, conjointly, That the Congress of the United States be and is hereby most respectfully requested and urged to extend, by appropriate legislation, to the State of Nevada the benefits of an Act of Congress approved September twenty-eighth, one thousand eight hundred and fifty, granting Swamp and Overflowed Lands to the State of Arkansas, and to other States of the Union.

Resolved, That his Excellency the Governor be, and he is hereby, requested to transmit a certified copy of this preamble and resolution to each of the Senators and the Representative of this State in Congress, and to Messrs. Britton & Gray, the attorneys of this State in Washington City, D. C.

No. XXII.—*Senate Joint Resolution relative to Swamp and Overflowed Lands.*

[Passed February 18, 1871.]

Resolved, by the Senate, the Assembly concurring, That our Senators be and are hereby instructed, and our Representative in Congress requested, to use all honorable and proper means to procure the passage of an Act of Congress extending to the State of Nevada the benefits of an Act approved September twenty-eighth, one thousand eight hundred and fifty, whereby Swamp and Overflowed Lands were granted to the State of Arkansas, and other States of the Union.

Resolved, That the Governor be, and is hereby, requested to forward a copy hereof to each of our United State Senators, and to our Representative in Congress, and to Messrs. Britton & Gray, the attorneys of this State in Washington, D. C.

No. XXIII.—*Senate Joint Resolution relative to the election of a Board of Regents.*

[Passed February 21, 1871.]

WHEREAS, the election of the Board of Regents by the Legislature in Joint Convention assembled, on the fourth day of March, A. D. one thousand eight hundred and sixty-nine, was irregular and illegal, being ostensibly by virtue of law, but in point of fact prior to the passage of the Act entitled "An Act to provide for the election of the Board of Regents, to fix their term of office, and prescribe their duties," approved March fifth, one thousand eight hundred and sixty-nine; and

Whereas, The Governor did, on the eighth day of March, one thousand eight hundred and sixty-nine, appoint a Board of Regents, to fill the vacancy occasioned by such illegal election; therefore, be it

Resolved, by the Senate and Assembly conjointly, That the two Houses of the Legislature meet in joint convention, on Tuesday next, February twenty-first, at seven o'clock P. M., and proceed to elect a Board of Regents, in accordance with the requirements of the Act heretofore cited.

No. XXIV.—*Senate Joint Resolution relative to appointing a Committee to establish a basis for a change of Representation.*

[Passed February 24, 1871.]

Relating to
a re-apportionment of
representation in legis-
lature.

WHEREAS, The Constitution of the State of Nevada limits the aggregate of representation in the two Houses of the Legislature to seventy-five members (Art. 15, Sec. 6, Const.); and

Whereas, The two Houses already consist of sixty-nine members, with propositions already pending for the creation of at least one new county, necessarily involving a further increase of representation; therefore,

Resolved, by the Senate and Assembly conjointly, That a new apportionment of representation be made, on the basis of not more than sixteen Senators and thirty-two Assemblymen; and that a joint committee of seven, three from the Senate, and four from the Assembly, be appointed by the presiding officers of the two Houses respectively, whose duty it shall be to make a careful computation of representation on the above basis; taking the official report of the census taken in the year eighteen hundred and seventy as their guide, as provided in the Constitution of Nevada, Art. 15, Sec. 13, with power to report by bill or otherwise.

No. XXV.—*Senate Joint Memorial and Concurrent Resolution relative to the United States Government providing for the establishment of Reduction Works.*

[Passed February 27, 1871.]

To the Honorable the Senate and House of Representatives of the United States:

Asking
Congress to
establish
reduction
works on
the C. P.
R. R.

Your memorialist, the Legislature of the State of Nevada, do most respectfully represent, that there is between the Rocky Mountains and the Pacific Ocean a vast number of mines, yielding gold, silver, lead and many other metals, that are valuable and indispensable to the various industries of the world; and that in the most perfect and practicable establishment for the reduction of said ores, now in operation in said region, a large percentage of the gold, silver and lead, and nearly the whole of other base metals, are lost or destroyed, the character of said reduction works being such that those metals cannot be saved, and that a very great number of mines of great wealth are already discovered in the State of Nevada, and in other localities, accessible to the Central Pacific Railroad, whose ores are now either left to lie in the mine awaiting improved facilities for reduction; worked at a great loss of valuable metals by present imperfect methods; or shipped to Europe, where those processes are so perfect as to save nearly all that is valuable in said ores; and that the erection of

such works as are necessary for the perfect and economical reduction of said ores will be so expensive that in this, as in other countries, the assistance of the Government will be found necessary for the inauguration of the enterprise, and that the establishment of such reduction works at some accessible point in the Great Basin west of the Rocky Mountains, would be of incalculable benefit, by saving to the people of the United States the money now paid for transportation to, and the reduction of said ores, in foreign countries, by making valuable a vast number of mines now idle, and giving a new impetus to base-metal mining, by giving employment to thousands of additional laborers, and by largely increasing the developments of the mineral wealth of the United States; and your memorialist would further represent, that it is their opinion, the proceeds of the sales of mineral lands could be appropriated to no purpose so conducive to public welfare as the establishment of this enterprise to encourage mining; therefore they pray your honorable body to set apart all of the moneys arising from the sales of mineral lands, under such conditions as your honorable body may deem fit, for the purposes hereinbefore set forth; and that reduction works similar in character to those in Swansea, England, or of such character as modern scientific discoveries may suggest, shall be established at some point on or near the Central Pacific Railroad, most accessible to the mines of our region.

Resolved, by the Senate, the Assembly concurring, That our Senators are instructed, and our Representative in Congress requested, to use their utmost endeavors to secure the passage of a law that will accomplish the objects set forth in the above memorial; and,

Resolved, further, That the Governor be requested to forward a copy of this memorial and resolution to each of our Senators and to our Representative in Congress, asking their early attention to the subject.

No. XXVI.—*Senate Concurrent Resolution relative to changing certain Moneys from the General to the Special Deposit Fund in the State Treasury.*

[Passed February 27, 1871.]

WHEREAS, The sum of two hundred and twenty dollars and eighty-five cents was, in the year one thousand eight hundred and seventy, placed in the General Fund by the State Treasurer, through a mistake, when said sum should have been placed in the Special Deposit Fund; and,

To authorize the transfer of certain moneys in different funds.

Whereas, The Treasurer cannot now correct the mistake without authority of the Legislature; therefore,

Resolved, by the Senate, the Assembly concurring, That the State Treasurer is hereby directed to transfer said sum of two hundred and twenty dollars and eighty-five cents, in currency, from the General Fund to the Special Deposit Fund, and report

the same to the State Controller, who shall make the necessary entries on his books.

No. XXVII.—*Senate Joint Resolution relative to Public Lands granted by Congress to the State of Nevada.*

[Passed February 28, 1871.]

Asking for
an extension
of time
in which to
erect a State
College.

WHEREAS, The grant of thirty thousand acres of land to this State from the public domain for each Senator and Representative in Congress from this State, amounting in the aggregate to ninety thousand acres, was made by the Congress of the United States, by virtue of an Act of Congress, entitled "An Act donating public lands to the several States and Territories which may provide Colleges of Agriculture and Mechanic Arts," approved July second, one thousand eight hundred and sixty-two; and the Act amendatory thereof, approved April fourteenth, one thousand eight hundred and sixty-four; and,

Whereas, By virtue of an Act of Congress entitled "An Act concerning certain land grants to the State of Nevada," approved July fourth, one thousand eight hundred and sixty-six, said grant was continued on condition that at least one College of Agriculture and Mechanic Arts shall be built within five years from the date of the acceptance of said grant by said State; and,

Whereas, The time in which such college must be provided or established, in order to secure said grant of land, will expire by limitation on the ninth day of April, A. D. one thousand eight hundred and seventy-two; therefore, be it

Resolved, by the Senate and Assembly conjointly, That our Senators and Representative in Congress be requested to use every effort in their power to obtain an extension of the time, not less than five years, in which this State may provide or establish said college.

No. XXVIII.—*Senate Concurrent Resolution relative to printing the Act providing for the Taxation of the Proceeds of Mines.*

[Passed March 1, 1871.]

Ordering
the Act to
tax proceeds
of mines
printed.

Resolved, by the Senate, the Assembly concurring, That one hundred copies in pamphlet form of the Act providing for taxing the net proceeds of the mines be printed by the State Printer, and distributed by the Controller among the revenue officers of the several counties of the State as soon as practicable, and that the same shall not be printed in the Appendix to the Journal.

No. XXIX.—*Senate Joint Resolution and Memorial relative to the annexation of a portion of Idaho to the State of Nevada.*

[Passed March 1, 1871.]

WHEREAS, the northern terminus of the numerous great silver-bearing belts which pass through our State; the channel of trade and travel to and from the Owyhee mining region; the business and commercial relations which exist between our people and the people of the Owyhee portion of our neighboring Territory, all point to and designate Snake River as the proper and natural northern boundary of the State of Nevada; and

Asking Congress to annex Owyhee County, Idaho Territory, to this State.

Whereas, It would be of great mutual benefit to annex all that portion of Idaho Territory lying south of said river to Nevada; and

Whereas, The citizens of Owyhee county are almost unanimously in favor of annexation to this State; therefore, be it conjointly

Resolved, by the Senate and Assembly, That our Senators be, and they are hereby instructed, and our Representative in Congress requested, to use their utmost endeavors to secure the annexation to Nevada of all that portion of Idaho Territory lying south of Snake River, and extending from the eastern boundary of Oregon to the eastern boundary of this State, so far as an Act of Congress can accomplish the same.

Resolved, further, That the Legislature of the State of Nevada does hereby consent to a change of the boundary line of said State, so as to embrace the above named territory.

Resolved, That his Excellency the Governor is hereby requested to transmit a copy of these resolutions to each of our Senators, and to our Representative in Congress.

No. XXX.—*Senate Concurrent Resolution relative to granting leave of absence to J. D. Patterson, Sheriff of White Pine County.*

[Passed March 1, 1871.]

Resolved, by the Senate, the Assembly concurring, That J. D. Patterson, Sheriff of White Pine County, is hereby granted leave of absence from the State for the period of six months, at such time as he may select during the years of 1871 or 1872.

Patterson granted leave of absence.

No. XXXI.—*Senate Concurrent Resolution relative to the exchanging of Revenue Stamps by the Central Pacific Railroad Company.*

[Passed March 1, 1871.]

Authorizing
the Treasurer to
receive certain
canceled
stamps.

WHEREAS, The Central Pacific Railroad Company has purchased from the State of Nevada upwards of twenty thousand revenue stamps of the State of Nevada, of the value of one dollar each, and has accidentally canceled four hundred and seventy of the same which have never been used; therefore, be it

Resolved, by the Senate, the Assembly concurring, That the State Treasurer is hereby authorized and directed to receive said canceled stamps from said company in exchange for stamps of any denomination which said company may require, in value equal to said canceled stamps; *provided*, that the Treasurer shall be satisfied that said canceled stamps have never been used on any instrument.

Resolved, That the Controller be, and is hereby, directed and required, in his settlement with the Treasurer, to allow said Treasurer four hundred and seventy dollars in his stamp account for said canceled stamps, and destroy the same.

No. XXXII.—*Senate Concurrent Resolution relative to granting Leave of Absence to Robert Stein, Sheriff of Nye County.*

[Passed March 1, 1871.]

Stein granted
leave of
absence.

Resolved, by the Senate, the Assembly concurring, That Robert Stein, Sheriff of Nye County, be, and is hereby, granted leave of absence from this State for the period of six months, at any time he may select during his term of office.

No. XXXIII.—*Senate Concurrent Resolution relative to printing Report of Committee on Defalcation of State Treasurer.*

[Passed March 1, 1871.]

Report
ordered
printed.

Resolved, by the Senate, the Assembly concurring, That five hundred copies of the report of the special committee appointed to investigate the affairs of the late State Treasurer, together with the evidence taken by said committee, be ordered printed.

No. XXXIV.—*Senate Concurrent Resolution relative to instructing Secretary of State to furnish ex-Governor Blasdel certain copies of Statutes and Journals.*

[Passed March 1, 1871.]

Resolved, by the Senate, the Assembly concurring, That the Secretary of State furnish, free of charge, to ex-Governor Blasdel, a copy of the Statutes of this State, and of the Journals of the Senate and Assembly for each session from 1864 to 1871, both inclusive. Secretary of State to furnish documents.

No. XXXV.—*Senate Concurrent Resolution relative to Compensation of Secretary of State for Enrolling.*

[Passed March 2, 1871.]

Resolved, by the Senate, the Assembly concurring, That the Controller of State is hereby authorized to draw his warrant on the Legislative Fund in favor of James D. Minor, for the sum of seven hundred and fifty dollars, or so much thereof as may be necessary to pay for the enrolling of the laws passed at the fifth session of the Legislature of the State of Nevada, when the same shall have been properly certified to said Controller by the Secretary of State. Authorizing Controller to issue warrant favor of Secretary of State.

No. XXXVI.—*Senate Concurrent Resolution relative to Joint Committee.*

[Passed March 2, 1871.]

Resolved, by the Senate, the Assembly concurring, That a committee of two from each House be appointed to wait on his Excellency the Governor, to ascertain whether he has any further communications to make to either branch of the Legislature. Committee to wait on the Governor.

No. XXXVII.—*Senate Joint Resolution asking the State of California to cede the territory east of the summit of Sierras to Nevada.*

[Passed March 2, 1871.]

WHEREAS, In the establishment of boundaries, naturally and geographically defined lines are generally preferable, and should

Relating to
natural
boundaries
between
Nevada and
California.

be adopted rather than artificial ones, in the separation and erection of communities into independent governments; and

Whereas, Manifest and great injustice is generally done by the adoption of artificial instead of natural division lines between States, especially when the latter are well defined, as in case of a river, or a mountain range; and

Whereas, So much of the State of California as lies east of the summit of the Sierra Nevada mountains belongs, as it were, naturally to the State of Nevada, and the people inhabiting such territory are accustomed to the transaction of their business abroad chiefly in this State, and would, therefore, be better accommodated if such territory were annexed by cession to this State; and

Whereas, The Act of Congress of March 2, 1861, organizing the Territory of Nevada, provides that the boundary line between Nevada and California may be established by the Legislature of the latter State on the ridge separating the waters of Carson Valley from those which flow into the Pacific ocean; therefore,

Asking
California
to cede.

Resolved, by the Senate and Assembly of the State of Nevada, conjointly, That the Legislature of the State of California be, and is hereby, most respectfully requested and urged to cede to the State of Nevada all the territory of said former State lying east of the summit of the Sierra Nevada mountains.

Resolved, That his Excellency the Governor of Nevada be, and is hereby, requested to forward a certified copy of the foregoing preamble and resolution to each, the Governor of California, the President of the Senate, and the Speaker of the Assembly, immediately upon the meeting and organization of the next Legislature of said State.

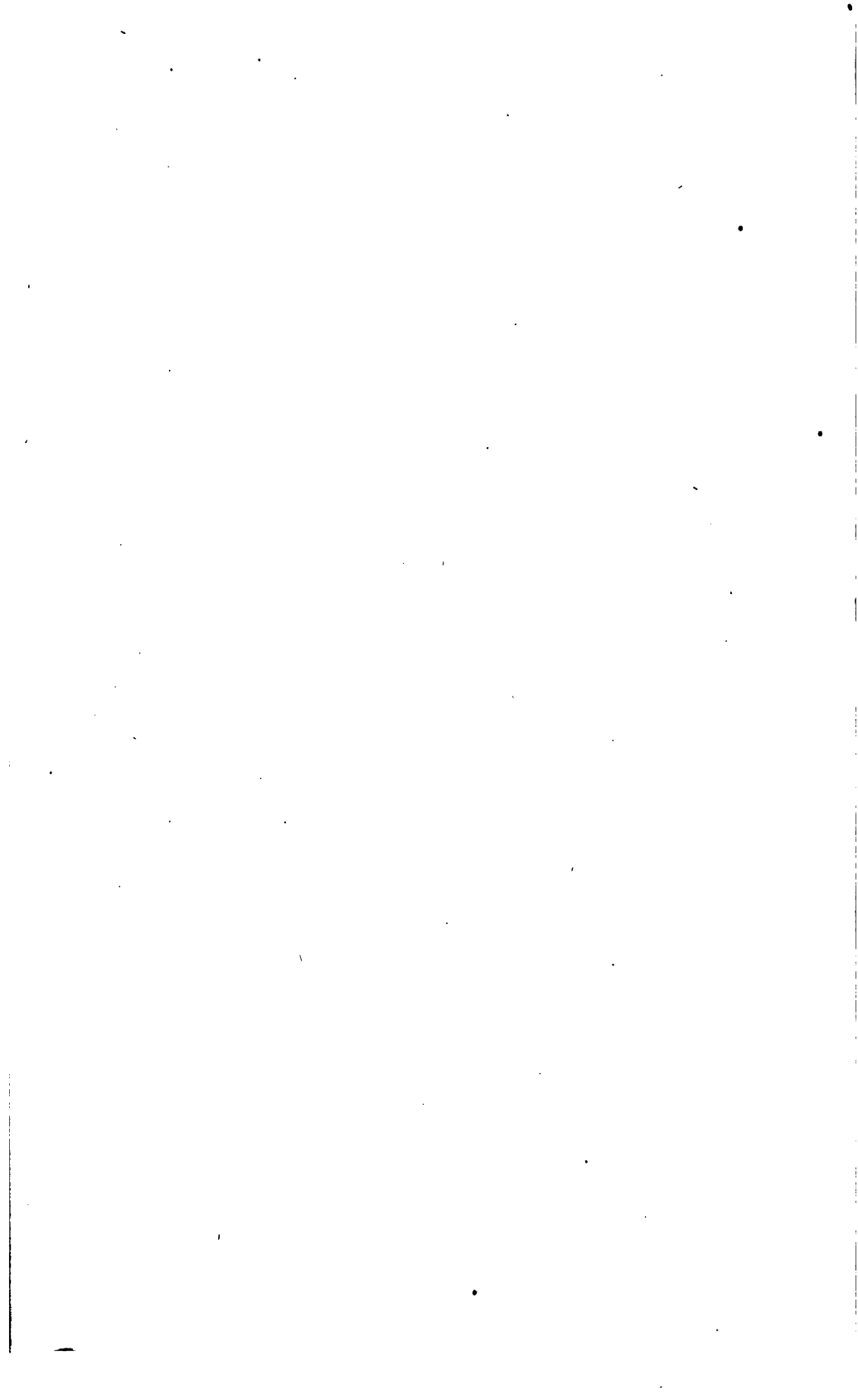
No. XXXVIII.—*Senate Concurrent Resolution relative to Committee on Defalcation in State Treasury.*

[Passed March 2, 1871.]

Relating
to Hon.
L. Doron.

Resolved, by the Senate, the Assembly concurring, That the Joint Committee on State Treasury defalcation amend its report, so as to show that in speaking of the late State Controller, it does not refer to Hon. Lewis Doron.

REPORTS
OF THE
STATE TREASURER OF NEVADA.
FOR THE
Fiscal Years 1869 and 1870.



REPORT
FOR
THE FISCAL YEAR 1869.

REPORT OF STATE TREASURER.

OFFICE OF THE STATE TREASURER,
CARSON, NEVADA, January 10, 1871. }

To His Excellency H. G. BLASDEL, *Governor of Nevada* :

SIR: In compliance with the provisions of the law, I have the honor to submit the following report of the transactions of this office for the fiscal year ending December 31st, 1869. Yours respectfully,

C. C. BATTERMAN,
State Treasurer.

STATEMENT

Of the Monthly Receipts and Expenditures in this office of State Treasurer for the Fiscal Year ending December 31, 1869, together with balance on hand in the several Funds at that date.

RECEIPTS.	Coin.	Currency.
On hand January 1, 1869.....	\$51,876 45	\$92,450 54
Received during the month from Attorneys' Licenses		10 00
Sale of Land.....		1,391 00
Revenue Stamps.....		309 32
	\$51,876 45	\$94,160 86
PAYMENTS.		
On account of State Library.....		\$149 30
General School Fund		7,812 47
Prison Fund		2,772 01
General Fund		14,576 24
		\$25,310 02
Balance on hand February 1, 1869.....	\$51,876 45	

RECEIPTS AND EXPENDITURES.—CONTINUED.

	Coin.	Currency,
FEBRUARY—		
On hand February 1, 1869.....	\$51,876 45	\$68,850 84
From Attorneys' Licenses.....	20 00	30 00
Docket Tax.....	30 00	70 00
Sales of State Land.....		2,400 00
MARCH—		
From Sales of State Land.....		362 00
Fees of Office State Register.....		350 85
APRIL—		
From Sales of State Land.....		1,346 00
Transfer to Judicial Salary Fund from Gen- eral from first quarter 1869. Coin, \$5,250.		
MAY—		
From Attorneys' Licenses.....	20 00	30 00
Sale of Land.....		200 00
Miscellaneous sources.....		200 00
	\$51,946 45	\$73,839 69

RECEIPTS AND EXPENDITURES.—CONTINUED.

	Coin.	Currency.
JUNE—		
Balance June 1, 1869	\$51,946 45	\$73,839 69
From State Revenue Stamps	4,260 68	3,473 21
Sales of Land		1,500 00
County Treasurers' Settlements	12,292 69	31,092 93
JULY—		
From Sales of Land		7,650 00
Two per cent. Tax on Toll Roads	319 82	
Docket Tax	80 00	
School Bonds Interest	1,725 00	
Sales of State Stamps	1,963 14	5,402 72
County Treasurer	12,907 12	37,223 48
AUGUST—		
From Sales of State Stamps	36 01	31 20
Storey County, balance of Poll Tax due for 1868		117 00
Sales of State Land		4,128 00
Balances September 1, 1869	\$85,530 91	\$164,458 23

RECEIPTS AND EXPENDITURES.—CONTINUED.

	Coin.	Currency.
Balance on hand September 1, 1869.....	\$85,530 91	\$164,458 23
Receipts from September 1st to 10th—		
From County Treasurers.....		324 26
Sales of Revenue Stamps.....	2,683 05	2,656 30
Sales of Land.....		800 00
	\$88,213 96	\$168,238 79
Currency Sold.....		126,419 04
Coin Realized.....	93,234 04	
	\$181,448 00	\$41,819 75

	Coin.	Currency.
Payments from September 1st to 10th—		
On account of General Fund.....	\$1,614 50	\$8,765 04
Prison.....		259 23
Judicial Salary.....	10,500 00	
Library Fund.....	341 31	
State Interest and Sinking.....	73,105 00	
State School Fund.....	685 76	16,001 07
Supreme Court Decisions.....	3,700 00	
Territorial Interest and Sinking.....	37,325 51	
Soldiers' Fund.....	126 33	18 50
General School Fund.....	1,733 16	6,266 62
Legislative Fund.....	20,938 80	
Interest Legislative Warrants, (General Fund).....	1,409 60	
Exchange on receipts and payment of Coin and Currency, Discount and Premium—(General Fund).....	310 01	321 79
	\$151,789 98	\$31,632 25
Total Receipts.....	\$181,448 00	\$41,819 75
Total Expenditures.....	151,789 98	31,632 25
Balances September 10, 1869.....	\$29,658 02	\$10,187 50

RECEIPTS AND EXPENDITURES.—CONTINUED.

	Coin.	Currency.
Fund Balance September 10, 1869—		
General Fund	\$56,288 05	\$22,887 79
State School	628 53	15,748 69
General School	346 91	172 31
State Interest and Sinking	31,536 40	
Territorial Interest and Sinking		15,996 78
Library		957 51
Judicial Salary	161 80	
Capitol Building		200 00
Soldiers'	3,769 13	
	\$29,658 02	\$10,187 50

	Coin.	Currency.
Balance on hand September 10, 1869	\$29,658 02	\$10,187 50
Receipts from September 10 to December 31, 1869, inclusive—		
From County Treasurers	238,629 78	4,855 26
Secretary of State, on account of Insane	105 33	
Interest on School Bonds	2,475 00	
Toll Roads	354 02	
Fees Controller's Office	90 00	
Attorneys' Licenses	220 00	
Fees, Secretary of State	1,919 65	342 65
Docket Tax	170 00	
Land		8,970 00
State Stamps	8,245 44	
	\$281,867 24	\$24,355 41
Currency bought		30,000 00
Coin required	24,450 00	
	\$257,417 24	\$54,355 41

RECEIPTS AND EXPENDITURES.—CONTINUED.

	Coin.	Currency.
Payments from September 10 to December 31, 1869, inclusive—		
On account of General Fund.....	\$11,249 60	\$11,302 17
State Interest Fund.....	2,475 00	
Judicial Fund.....	5,250 00	
State School Fund.....	1,511 37	
Prison Fund.....		11,480 76
General School Fund.....	248 11	113 14
Legislative Fund.....	43,625 80	
	\$64,359 88	\$22,896 07
Amount of deficit in the account of E. Rhodes, late State Treasurer, as per report of H. B. Bostwick, Expert, apportioned to the several Funds as follows, viz:		
General Fund.....	\$22,781 20	\$11,872 75
State Interest.....	21,616 63	
Territorial.....	2,313 30	
Soldiers'.....	2,475 03	
State School.....	810 93	
Library.....	718 13	
Capitol Building.....	150 00	
	\$115,225 10	\$34,768 82

	Coin.	Currency.
Total Receipts, including balance on hand September 10th.....	\$257,417 24	\$54,355 41
Total Payment.....	115,225 10	34,768 82
Balances January 1, 1870.....	\$142,192 14	\$19,586 59
Apportioned to Funds—		
General.....	\$33,503 54	\$25,861 30
State School.....	2,012 69	21,835 24
General School.....	12,012 83	250 82
State Interest and Sinking.....	52,187 86	2,172 17
Territorial Interest and Sinking.....	39,577 80	16,889 50
Library.....	1,421 52	1,300 16
Soldiers'.....	1,294 10	
Judicial.....	331 80	
Capitol Building.....	150 00	3,000 00
	\$142,192 14	\$19,586 59

REPORT

FOR

THE FISCAL YEAR 1870.

REPORT OF STATE TREASURER.

STATE TREASURER'S OFFICE, CARSON, NEV., January 10, 1871.

To His Excellency, L. R. BRADLEY, *Governor of Nevada*:

SIR: In compliance with the provisions of the law, I have the honor to submit the following Report of the transactions of this office for the fiscal year ending December 31st, 1870.

Yours, respectfully,

C. C. BATTERMAN,

State Treasurer.

STATEMENT

Of the Receipts and Expenditures in the Office of State Treasurer for the Fiscal Year ending December 31, 1870, together with the balances on hand in the several Funds at that date.

RECEIPTS

From January 1, 1870 to April 1, 1870.

	Coin.	Currency.
On hand January 1, 1870	\$116,480 84	\$45,297 89
From County Treasurers	891 45	
Docket Tax	110 00	
Attorneys' Licenses	30 00	
	\$117,512 29	\$45,297 89
PAYMENTS.		
On account of Legislative Fund	354 14	
Soldiers'	65 00	10 50
General School	21 28	28 70
Judicial	5,250 00	
	\$5,690 42	\$39 20
Total receipts and balance on hand for the first quarter of 1870	\$117,512 29	\$45,297 89
Payments for ditto	5,690 42	39 20
Balance April 1, 1870	\$111,821 87	\$45,258 69

RECEIPTS AND EXPENDITURES.—CONTINUED.

RECEIPTS

From April 1, 1870, to July 1, 1870.

	Coin.	Currency.
By balances on hand April 1, 1870.....	\$111,821 87	\$45,258 69
Amount from Docket Tax.....	100 00	
Attorneys' Licenses.....	30 00	
Sales of Land.....		39,828 79
Interest on School Bonds.....	2,475 00	
County Treasurers.....	24,029 58	206 36
	<u>\$138,456 45</u>	<u>\$85,293 84</u>
PAYMENTS.		
On account of Orphan Asylum Fund.....	\$2,200 00	
State Orphan Home.....	869 50	
Prison.....	28,777 09	1,284 05
Capitol Building.....	11,778 75	
Library.....	1,992 37	
State School.....	1,500 00	
General.....	77,771 39	1,715 57
Judicial.....	5,250 00	
General School.....	11,651 73	215 83
	<u>\$141,790 83</u>	<u>\$3,215 45</u>
Total receipts for second quarter, 1870, and balance on hand April 1, 1870.....	\$138,456 45	\$85,293 84
Payments for ditto.....	141,790 83	3,215 45
	<u>\$3,334 38</u>	<u>\$82,078 39</u>

RECEIPTS AND EXPENDITURES—CONTINUED.

RECEIPTS

From July 1, 1870, to October 1, 1870.

	Coin.	Currency.
Balances on hand.....	\$3,334 38	\$82,078 39
From Attorneys' Licenses.....	100 00	
Docket Tax.....	100 00	
County Treasurers.....	47,888 17	3,452 94
Poll Tax.....	994 50	
Sales of Land.....		5,706 02
Toll Roads.....	239 44	
Sales of Currency.....	26,499 53	
	\$72,487 26	\$90,237 35
PAYMENTS.		
On account of State Interest.....	\$37,500 00	
Redemption of 10 per cent. Bonds.....	27,578 60	
General Fund.....	5,484 35	\$4 00
Prison.....	715 89	
General School.....	5,250 56	6 29
Judicial.....	5,250 00	
Soldiers'.....	65 00	17 00
State School.....	1,038 00	
Capitol Building.....	22,623 00	
Orphans' Home.....	865 50	
Currency sold.....		30,139 50
	\$106,370 90	\$30,166 79
Total receipts.....	\$72,487 26	\$90,237 35
Total payments.....	106,370 90	30,166 79
	\$33,883 64	\$60,070 56

RECEIPTS AND EXPENDITURES.—CONTINUED.

RECEIPTS

From October 1, 1870, to December 31, 1870.

	Coin.	Currency.
Balances on hand.....	\$33,883 64	\$60,070 56
From Docket Tax.....	210 00	
Toll Roads.....	102 56	
Interest on Bonds.....	2,475 00	
County Treasurers.....	188,484 02	384 19
Special Stamp Collections.....	740 94	
Poll Tax.....	398 20	
Sales of Land.....		5,401 90
Warden of Prison.....	96 50	
Sales of State Stamps.....	12,902 94	
Fees from Secretary of State.....	2,504 95	60 00
Fees from State Register.....	978 56	
Fees from Controller.....	35 00	
Coin from Sales of Currency.....	63,363 44	
	<u>\$238,408 47</u>	<u>\$65,916 65</u>
PAYMENTS.		
For account of State School Fund.....	\$29,032 25	\$21,212 43
Library.....	1,049 27	
Judicial.....	10,500 00	
Capitol Building.....		5,416 80
State Interest.....	38,155 99	
Exchange.....	5 00	844 50
Currency sold.....		73,230 05
Over-payment on State Interest.....	30 00	
	<u>\$78,772 51</u>	<u>\$100,703 78</u>
Total Receipts.....	\$238,408 47	\$65,916 65
Total Payments.....	78,772 51	100,703 78
Balance December 31, 1870.....	\$159,635 96	\$34,787 13

RECEIPTS AND EXPENDITURES.—CONTINUED.

APPORTIONED.

	Coin.	Currency.
State School Fund	\$2,382 68	\$3,504 70
State Interest Sinking Fund	82,364 98	3,756 00
Capitol Building Fund	34,309 19	
Library Fund	789 58	1,300 16
General School Fund	10,612 85	122 20
Soldiers' Fund	1,294 10	
General Fund	15,587 61	
	<u>\$116,165 77</u>	<u>\$8,683 06</u>
Amount of Special Deposits on hand Dec. 31.	\$25,848 59	
Bonds belonging to State School Fund (58) \$1,000 each	\$58,000 00	

STATEMENT

Of Expenses in the Office of State Treasurer for the Fiscal Years 1869 and 1870.

1869.	POSTAGE, EXPRESSAGE AND TELEGRAPHING.	Am't.
May 3	B. F. Small, postage and box-rent	\$7 27
July 22	Wells, Fargo & Co., franks	15 00
Nov. 26	B. F. Small, postage and box-rent	8 03
Dec. 10	Western Union Telegraph Co.	6 50
1870.		
January 10	Wells, Fargo & Co., franks	10 00
July 8	Telegraphing	19 00
Dec. 7	Expressage	30 60
Dec. 31	Postage and box-rent	6 21
		<u>\$102 61</u>

STATEMENT OF EXPENSES.—CONTINUED.

1869.	CONTINGENT ACCOUNT.	Am't.
April 27	E. B. Rail, hardware	\$11 63
May 3	Cowing & Co., painting	10 00
Dec. 10	E. C. [M. D.] Junkins, counter, etc.	118 75
Dec. 10	C. H. Maish, repairing furniture	28 00
Dec. 10	Sheyer & Morris, carpets	112 50
1870.		
Dec. 31	E. B. Rail, hardware	15 00
		<hr/> \$295 88

1869.	POSTAGE.	Am't.
May 4	\$12 00
July 22	23 00
August 20	11 25
Sept. 21	11 50
October 1	8 50
October 18	4 00
1870.		
January 7	66 00
February 18	20 00
March 1	20 00
April 1	20 00
May 7	20 00
June 13	20 00
July 8	20 00
August 3	20 00
September 8	20 00
October 5	20 00
December 7	40 00
December 31	43 75
		<hr/> \$400 00

STATEMENT OF EXPENSES.—CONTINUED.

1869.	STATIONERY, FUEL AND LIGHTS.	Am't.
April 27.....	E. B. Rail, merchandise	\$3 87
April 27.....	J. E. Cheney, wood	61 87
April 29.....	Mason & Huff, merchandise	17 00
April 29.....	J. G. Fox, stationery	14 50
October 11.....	J. Fife, wood	77 00
1870.		
February 5.....	J. G. Fox, stationery	75 75
April 9.....	J. Tobeiner, coal oil	22 50
April 9.....	J. G. Fox, stationery	36 38
June 13.....	H. C. Lillie, record books	56 50
August 3.....	J. G. Fox, stationery	27 25
Sept. 8.....	O. Greenebaum, stationery	6 00
Dec. 31.....	J. G. Fox, stationery	35 75
Dec. 31.....	J. Tobeiner, coal oil	9 50
Dec. 31.....	C. C. Batterman, wood	30 00
		\$473 87

Henry A. Rhodes, Clerk for C. C. Batterman, late State Treasurer, being duly sworn, deposes and says that the foregoing is a true statement of the manner in which all appropriations to said office for the fifth and sixth fiscal years have been expended.

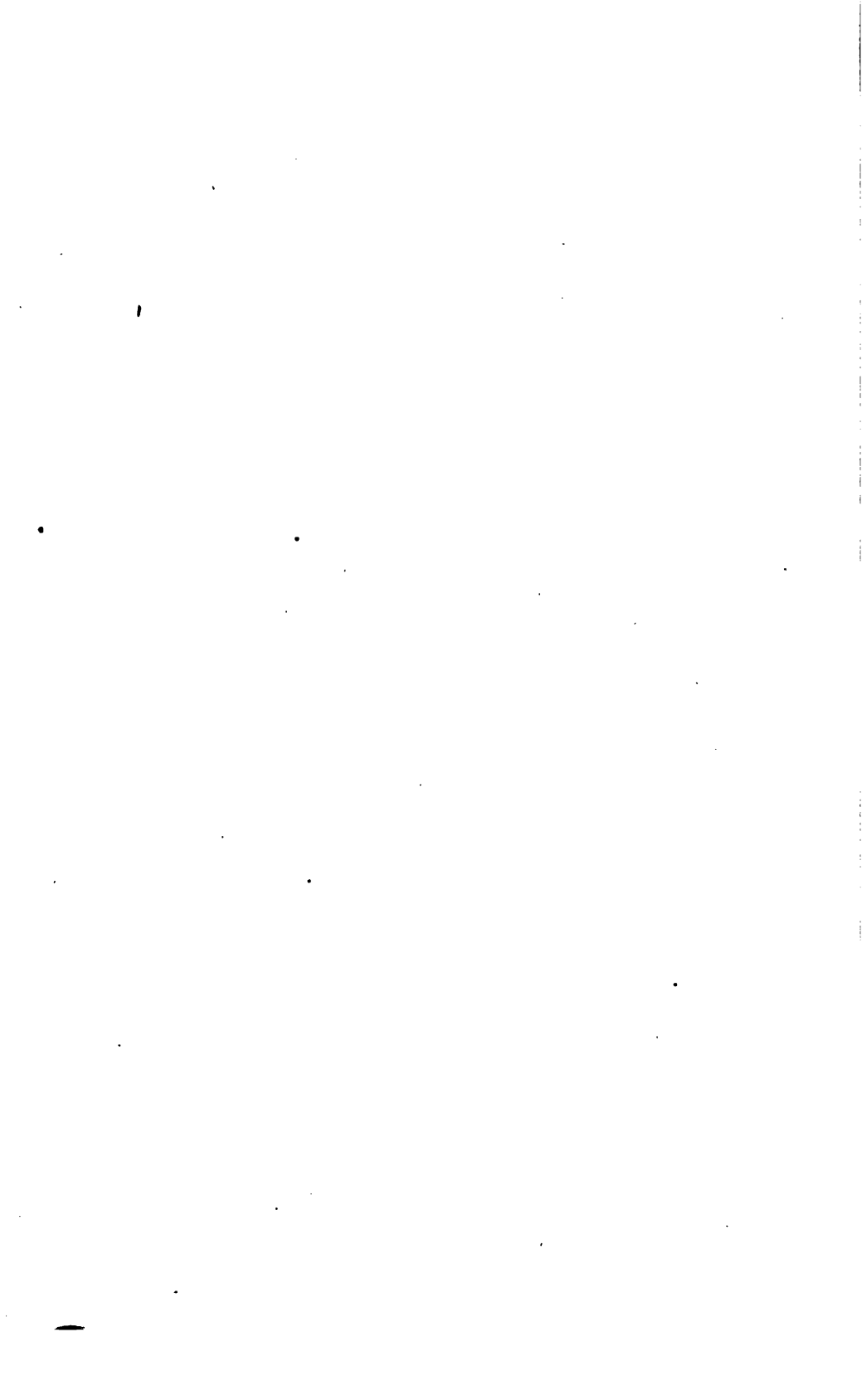
HENRY A. RHODES.

Subscribed and sworn to before me this 20th day of January, 1871.

CHARLES MARTIN,
Notary Public.

[L.S.]

GENERAL INDEX.



INDEX.

A.

ACKNOWLEDGMENTS, concerning conveyances of real estate.

- how taken out of the State, 54.
- heretofore legally taken, to remain valid, 54.
- vested rights under, to be protected, 54.
- County Recorders empowered to take, 107.

APPROPRIATION, for legislative expenses, 55.

- to pay Britton & Gray for services, 61.
- to pay A. C. Ellis for services, 65.
- for preparation and sale of State bonds, 83, 86.
- for support of Nevada Orphan Asylum, 103.
- for publication of Nevada Reports, 109.
- for support of the Indigent Insane, 112.
- for support of Civil Government of the State, for seventh and eighth fiscal years, 149.
- for support of State Prison, 151.
- for support of Orphans' Home, 151.
- for support of Deaf, Dumb and Blind, 151.
- for furnishing State Capitol, 152.
- statement of expenditure of certain, to be made by State officers, 152.
- to reimburse E. B. Hancock, 153.
- to pay salary of land agents at Washington, 152.
- to pay deficiencies in the fifth and sixth fiscal years, 160, 161, 162.

ATTORNEYS AT LAW, qualifications of applicants for admission as, 148.

- examination of applicants for admission as, 148.
- how licensed, 148.
- names of, to be entered on roll of District Court, 148.
- license fees of, and how appropriated, 148.
- penalty for practicing as, without license, 149.

AVERILL, JOHN W., act for the relief of, 108.

B.

BOARD OF COMMISSIONERS OF INDIGENT INSANE, board, of whom composed, 111.

- powers and duties of, 112.

BOARD OF EXAMINERS to audit and allow claims in connection with selection and sale of State lands, 139.

- duties of, in relation to State Capitol Fund, 154, 155.

BOARD OF REGENTS to appoint agent to represent the State in land cases at Washington, D. C., 61.

- compensation of such agent, 61.
- to fix prices for State lands, 136.

BRITTON & GRAY, appropriation to pay for services of, 61.

- warrants in favor of, when to be drawn, 62.

C.

CAVANAUGH, PETER, provisions for relief of, 154.

CHINESE LABOR, prohibited on certain works, 62, 78, 153.

CHURCHILL COUNTY, released from certain claims of Humboldt County, 57.

- unpaid warrants of, to be returned and destroyed, 57.
- treasurer of, to transfer moneys to General Fund, 79.

CHURCHILL COUNTY—CONTINUED.

redemption fund of, created, 140.
 redemption of indebtedness of, when and how made, 140.
 duties of county officers of, in redemption of indebtedness, 141.
 what claims to be paid out of redemption fund of, 142.
 surplus funds of, to be transferred to redemption fund, 142.

CITIES AND TOWNS ON PUBLIC LANDS, amendatory Act to regulate execution of trusts in behalf of inhabitants of, 163.

notice of reception of patents of lands in, when and how to be given, 163.
 statement to be made by claimant of land in, 163.
 claims for land in, when debarred, 163.
 claims for land in, how made for minors, insane persons, and married women, 163.
 claimant's deed to land in, to be made on payment of purchase money and expenses, 164.

limitation of fees for deeds to lands in, 164.
 certain claimants not affected by this Act, 164.
 trusts how executed in case of disability or absence of trustee, 164.

CIVIL PRACTICE ACT, Act amendatory of, in relation to summons in Justice's Courts, 103.**CLAIMS OF STATE VS. UNITED STATES, Act for prosecution and settlement of, 130.**

commissioner for settlement of, to be appointed, 130.
 duties of commissioner of, 130.
 evidence to be furnished to commissioner of, 130.
 moneys arising from, how disposed of, 130.
 compensation of commissioner of, 130.

CONCEALED WEAPONS, Act to prohibit carrying of, repealed, 117.**CONSTITUTION OF THE STATE OF NEVADA, 5-38.****ABSENCE FROM STATE.**

of Governor, duties to devolve on Lieut.-Governor, 16.
 of Governor, on military business of State, to be commander-in-chief, 16

ACTION.

but one form of civil, 20.
 law and equity to be administered in the same, 20.

AMENDMENTS.

to constitution, how made, 28.

APPORTIONMENT.

of Senators and Assemblymen, 30.

ASSEMBLY, MEMBERS OF.

when and how chosen, 10,
 term of office of, 10, 31.
 to be qualified electors.

ASSEMBLY.

to have sole power of impeachment, 21.
 majority of all members elected to, necessary to impeachment, 21

ATTAINER.

bill of, prohibited, 8.

ATTORNEY-GENERAL.

how chosen, term and eligibility, 17.
 duties of, 17.
 liable to impeachment, 21.
 salary of, 30.

BAIL.

excessive, not to be required, 7.
 persons entitled to, 7.
 persons not entitled to, 7.

BALLOT.

all elections by people to be by, 9.

BANKS.

not to issue paper to circulate as money, 22.

BENEVOLENT INSTITUTIONS.

to be fostered and supported, 25.

BOARD OF EXAMINERS.

who to constitute, 17.
 powers and duties of, 17.

BOUNDARY.

of the State of Nevada, 26.
 addition to, how made, 26.

CONSTITUTION OF THE STATE OF NEVADA.—CONTINUED.

BRIBERY.

disqualification of persons convicted of, 11.

CENSUS.

when and how taken, 28.

CITIES AND TOWNS.

provision to be made for incorporation of, 22.

taxation and debts of, restricted, 22.

CLERK.

of Supreme Court to be provided for, 13.

of District Court to be provided for, 13.

of County, to be *ex-officio* clerk of District Court, etc., 13.

of Supreme Court, to keep his office at capitol, 28.

COMMISSIONERS OF STATE PRISON.

who to constitute board of, 17.

powers and duties of, 17.

COMMISSIONS.

form of, of State officers and District Judges, 16, 33.

CONSTITUTION.

of State, how amended and revised, 28.

debates and proceedings on, to be published, 33.

who entitled to vote on adoption of, 34.

when and how submitted to the people, 35.

return of votes on, how made, 35, 36.

when established, 36.

of United States adopted, 5.

CONTRACTS.

obligation of, not to be impaired, 8.

existing under territorial government, not to be affected, 29.

CONTROLLER OF STATE.

how chosen and term of office, 17.

eligibility to office of, 17.

duties of, 17.

required to keep office at seat of government, 28.

compensation of, 30.

required to give bond, 33.

duties of, in connection with State loans, 81, 82, 83, 84, 85.

CORPORATIONS.

may be formed under general laws, 21.

special legislation in regard to, prohibited, 21.

property of, liable to taxation, 22.

property of certain, may be exempt from taxation, 22.

dues from, how secured, 22.

may sue and be sued, 22.

right of way for, when to be appropriated, 22.

liability of stockholders of, 22.

prohibited from circulating notes as money, 22.

municipal, to be restricted, 22.

State shall not be stockholder in, except such as are educational or charitable, 22.

COUNTIES.

to provide for aged and infirm persons, 26.

COUNTY COMMISSIONERS.

election of, to be provided for, 12.

duties of, to be prescribed, 12.

COUNTY DEBTS.

not to be assumed by State—exception, 23.

COUNTY GOVERNMENTS.

system of, to be established, 12.

COUNTY OFFICERS.

election of, to be provided for, 13.

required to have offices at county seat, 27.

COURT FEE.

to be provided for, 20.

COURTS.

of record, 20.

municipal, 20.

CONSTITUTION OF THE STATE OF NEVADA.—CONTINUED.

CREDIT OF STATE.

not to be loaned—exception, 22.

CRIME.

rights of person charged with, 7.
disqualification of persons convicted of, 11.
existing prosecutions of, not affected, 29.

DEBTORS.

to enjoy necessary comforts of life, exempt from seizure, 8.
imprisonment of, forbidden—exception, 8.

DEBTS, STATE.

limitation to creation of, 23.
shall be specially authorized, 23.
tax for payment of, to be levied, 23.
when liabilities exceed certain sum, contracts to be void, 23.
territorial liabilities to become part of, 30.

DEFALCATION.

of public funds, person guilty of to be disqualified for holding office, 11.
laws to be passed for punishment of, 11.

DISTRICT ATTORNEYS.

election of, to be provided for, 13.
required to have office at county seat, 27.

DISTRICT COURTS.

judges of, how elected, and term of office, 18.
original jurisdiction of, 19.
appellate jurisdiction of, 19.
powers of, 19.
times and places of holding, to be fixed by law, 19.
judges of, to receive compensation fixed by law, 20.
compensation of judges of, not to be increased or diminished during term, 20.
judges of, liable to impeachment, 21.
terms of, when to commence, 32.
salaries of judges of, 32.
salaries of judges of, how changed, 32.
vacancies in office of judges of, how filled, 33.
cases in Probate Courts to be transferred to, 33.

EDUCATION.

to be encouraged by legislature, 23.
common schools to be provided for, 23.
lands appropriated for purposes of, 24.
sale of land for purposes of, how made, 24.
proceeds of such sales, how used, 24.
State University and Normal Schools to be provided for, 24.
special tax for, to be levied, 25.
Board of Regents created, and powers of, 25.
sectarianism in educational institutions prohibited, 25.

ELECTION.

who entitled to vote at, 8.
voter at, privileged from civil arrest, 9.
who not entitled to vote at, 9.
residence of voters at, in what cases not gained or lost, 9.
to be by ballot, 9.
by legislature to be *viva voce*, 9.
laws to be passed regulating, 9.
laws to be passed prohibiting bribery, etc., at, 13.
manner of holding, for adoption of constitution, 35, 36.
returns of, on adoption of constitution, 37.

ELECTOR.

qualifications of, 8.
who disqualified from being, 9.
privileged from arrest, 9.

EMBEZZLEMENT.

to be punished as a felony, 11.
person guilty of, to be disqualified from holding office, 11.

EXECUTIVE DEPARTMENT.

supreme executive power vested in the Governor, 14.

EX POST FACTO LAW.

prohibited, 8.

CONSTITUTION OF THE STATE OF NEVADA.—CONTINUED.

FEES.

- not to be received by judicial officers, except justices of the peace, 20.
- not to be received by certain officers for their own use, 30, 32.

FINES.

- excessive, not to be imposed, 7.
- accruing to territory, to inure to State, 29.

FISCAL YEAR.

- when to commence, 22.

FOREIGNERS.

- rights of property of, secured, 8.

FORGERY.

- disqualification of persons convicted of, 13.

GOVERNOR.

- supreme executive power vested in, 14.
- how elected, and term of office, 15.
- who eligible to office of, 15.
- returns of elections for, how made, 15.
- plurality of votes to elect, 15.
- in case of tie in election for, legislature to elect, 15.
- shall be commander-in-chief, 15.
- shall transact all executive business with officers of the government, 15.
- may require information in writing from officers of the executive department, 15.
- shall see that the laws are faithfully executed, 15.
- shall have power to fill vacancies in office, 15, 33.
- may convene legislature by proclamation, 15.
- shall communicate with legislature by message, 15.
- may adjourn legislature in case of disagreement between the two houses, 15.
- no person holding office under the United States to exercise the office of, 15.
- shall have power to suspend collection of fines, etc., 16.
- may suspend execution of sentence for treason, 16.
- may grant reprieves for a limited period, 16.
- shall report to legislature reprieves and pardons granted, 16.
- shall constitute one of Board of Pardons, 16.
- shall be keeper of the great seal, 16.
- shall sign grants and commissions, 16.
- Lieutenant-Governor to perform duties of, in certain contingency, 16.
- salary of, 30.

GRANTS.

- forms of, 16.

HABEAS CORPUS.

- writ of, shall not be suspended except in cases of rebellion or invasion, 7.
- writ of, may be issued by Supreme and District Courts, and by justices of such courts, 18, 19.

HOMESTEAD.

- exempt from forced sale, except for taxes, purchase money or improvements, 13.
- how alienated, 13.
- provisions to be made by law for recordation of, 13.

IMPEACHMENT.

- how tried, and who liable to, 21.
- judgment on, 21.
- party convicted on, liable to punishment according to law, 21.

IMPRISONMENT FOR DEBT.

- forbidden, except in certain cases, 8.

INDICTMENT.

- persons not to be held to answer for capital or other infamous crime, except on, 7.
- prosecutions of, in what style conducted, 20.

INTELLECTUAL IMPROVEMENT.

- to be encouraged, 23.

JUDGE.

- not to receive fees for own use, 20.
- compensation of, not to be increased or diminished during term, 20.
- salary of, how paid, 20.
- ineligible to other office during term for which elected, 20.
- not to charge juries as to matters of fact, 20.
- office of, when deemed vacated, 21.
- of territorial court, when superseded, 21.

CONSTITUTION OF THE STATE OF NEVADA,—CONTINUED.

JUDICIAL DECISIONS.

- provisions to be made for publication of, 27.
- free for publication to any person, 27.

JUDICIAL DEPARTMENT.

- power of, where vested, 17.
- causes to be removed from territorial courts, 30.

JURISDICTION.

- of the Supreme Court, 18.
- of the District Courts, 19.
- of Justice's Courts, 19.
- of Municipal Courts, 20.

JURY.

- right of trial by, secured, 6.
- trial by, may be waived in civil cases, 7.
- three fourths of, may find verdict in civil cases, 7.
- presentments by, in certain cases before prosecution, 7.
- crimes which disqualify from serving on, 13.
- charges to, how to be made, 20.

JUSTICES OF THE PEACE.

- number, power and duties of, to be fixed by law, 19.
- jurisdiction of, restricted, 19.
- criminal jurisdiction of, 19.
- concurrent jurisdiction of, 19.
- appeals from courts of, to be fixed by law, 20.
- may receive fees for own use, 20.

LAWS.

- ex post facto, forbidden, 8.
- impairing obligations of contracts, forbidden, 8.
- bill of attainder, forbidden, 8.
- every law to embrace but one object, 11.
- not to be revised or amended by reference to title only, 11.
- local or special, forbidden in certain cases, 12, 21.
- to be general and of uniform operation, 12.
- enacting clause of, 12.
- must be approved by the Governor, 14.
- how passed over Governor's veto, 14.
- how bills may become, without Governor's approval, 14.
- provision to be made for speedy publication of, 27.
- free to be published by any person, 27.
- territorial, to remain in force, 29.

LEGISLATIVE DEPARTMENT.

- basis of representation in, 8.
- election by, *viva voce*, 9.
- powers of, vested in Senate and Assembly, 10.
- members of, how and when chosen, 10.
- who eligible to, and terms of office, 10.
- each house to choose its own officers, and judge of the qualifications of its members, 10.
- how members of, may be expelled, 10.
- may punish for contempt, 10.
- member not be appointed to office created during his term, 10.
- who not eligible, 11.
- members privileged from arrest, 11.
- vacancies in, how filled, 11.
- quorum to do business, 11.
- journal of proceedings to be kept and published, 11.
- doors of each house to be kept open, exception, 11.
- neither house shall adjourn without consent of the other, for more than three days, 11.
- any bill may originate in either house, etc., 11.
- laws, what to embrace, and how amended, 11.
- bills how read, passed and signed, 11, 12.
- county and township governments to be established; 12.
- election of county commissioners to be provided for, 12.
- compensation of members, how drawn and paid, 13.
- members to receive fixed compensation, 13.
- duration of sessions, 13.

CONSTITUTION OF THE STATE OF NEVADA.

LEGISLATIVE DEPARTMENT.—Continued.

- to elect United States Senators, 14.
- bills when to become laws, 14.
- legislature may be convened by proclamation of the Governor, 15.
- in case of disagreement of two houses, may be adjourned by the Governor, 15.
- Assembly to have sole power of impeachment, 21.
- Senate to try all impeachments, 21.
- legislature to provide by levying annual tax, for support of State government, 22.
- limitation of powers as to creation of debts, 23.
- oath of office, 26.
- number of members restricted, 27.
- pay and apportionment of members, 30.
- terms of members elected at first election, 30.
- sessions of legislature, when to commence, 30.
- limitation of powers as to taxation, 33.

LIBEL.

- evidence that may be given in actions for, 7.

LIEUTENANT-GOVERNOR.

- when and how elected, 16.
- powers and duties of, 16.
- president of Senate, *pro tempore*, to act as, in certain contingency, 16.
- eligibility and term of office, 16.
- to act as Governor in certain contingency, 16.

LOTTERY.

- shall not be authorized, 12.
- sale of tickets in, shall not be allowed, 12.

MILITARY.

- to be subordinate to civil power, 7.
- standing army not to be kept in time of peace, 7.
- appropriation for standing army not to be for longer than two years in time of war, 8.
- soldiers not to be quartered in house without the consent of owner, 8.
- governor to be commander-in-chief, 15.
- organization of militia, 25.
- when Governor may call out militia, 25.

MONEY.

- when to be drawn from State treasury, 12, 13.
- statement of receipts and expenditures of, to be published with laws, 12.

MORAL IMPROVEMENT.

- to be encouraged, 23.

OATH OF OFFICE.

- form of, 26.

ORDINANCE.

- to form Constitution and State Government, 5.
- prohibits slavery, 5.
- secures religious toleration, 5.
- disclaims right and title to public lands, 6.
- exempts United States property from taxation, 6.

ORDINANCE.

- for submitting Constitution to vote, for ratification or rejection, 34, 37.

OFFICE.

- who ineligible to, 11, 27.
- who disqualified by crime from holding, 11.
- of Governor, who eligible to, 15.
- of other State offices, who eligible to, 17.
- tenure of, may be declared, 27.

OFFICERS.

- certain judicial, not to receive fees, 20.
- who impeachable, 21.
- how tried for misdemeanors, 21.
- judicial, when superseded, 21.
- not herein provided for, how chosen, 27.
- certain, not to receive perquisites, 30.
- salaries of certain, 30.
- territorial, to continue, 31, 32.
- State, terms of, 31, 32.
- of Lander County, special provisions concerning, 31.

CONSTITUTION OF THE STATE OF NEVADA.

OFFICERS.—Continued.

- certain, not to receive fees for their own use, 32.
- State and judicial, first elected when to qualify, 32, 33.
- to be commissioned by the Governor, 33.

OFFICES.

- of county officers, to be held at county seats, 27.
- of certain State officers, to be kept at seat of government, 28.

PARAMOUNT ALLEGIANCE.

- due to the government of the United States, 6

PARDONS.

- by whom granted, 16.
- granted, to be reported to legislature, 16.

PERJURY.

- disqualifications of persons convicted of, 13.

PERPETUITIES.

- not allowed, except for eleemosynary purposes, 27.

PETITION.

- right of, secured, 7.

POLL-TAX.

- payment of, to be provided for, 9.

POWER.

- political, inherent in the people, 6.

POWERS.

- of federal government declared, 6.
- of State government, distributed, 10.

PRESIDENT OF THE SENATE.

- Lieutenant-Governor to be, *ex officio*, 16.
- powers and duties of, 16.

PRESS.

- liberty of, secured, 7.

PROPERTY.

- of United States, to be exempt from taxation, 6.
- no person to be deprived of, except by due process of law, 7.
- private, not to be taken for public use without just compensation made or secured, 7.
- of foreigners to be protected, 8.
- separate, of wife, may be held by her, 13.
- of territory to vest in State, 29.

PROSECUTIONS.

- existing, not affected, 29.

PUNISHMENT.

- cruel or unusual, forbidden, 7.

RELIGION.

- freedom of, secured, 5, 7.
- not to render witness incompetent, 7.
- freedom of, not to excuse licentiousness, 7.

REPRESENTATION.

- to be apportioned, according to population, 8.

RESIDENCE.

- for purpose of voting, what not to affect, 9.

RIGHTS.

- declaration of, 6, 7, 8.
- enumeration of, not to impair others retained, 8.
- existing, not to be affected, 29.

ROOF COUNTY.

- to be attached to Washoe, for certain purposes, 33.

SALARIES.

- of judicial officers, not to be increased or diminished, 20.
- of judicial officers, how to be paid, 20.
- certain, may be increased or diminished by legislature, 27.
- of State officers, 30.
- pay of Senators and Assemblymen, 30.
- of judges of District Courts, 32.

SCHOOLS.

- system of common, to be provided for, 23.
- Normal and other, may be established, 24.
- special tax for the support of, 25.
- sectarian instruction in, prohibited, 25.

CONSTITUTION OF THE STATE OF NEVADA.—CONTINUED.

SCIENTIFIC IMPROVEMENT.

to be encouraged, 23.

SEARCHES.

security against unreasonable, provided for, 8.

warrant for, when to issue, 8.

SEAT OF GOVERNMENT.

located at Carson City, 26.

no appropriation to be made for capitol buildings for three years, 26.

SECRETARY OF STATE.

who eligible to the office of, 17.

when elected, and term of office, 17.

powers and duties of, 17.

to be member of Board of Examiners, 17.

to be member of Board of Prison Commissioners, 17.

liable to impeachment, 20.

required to keep office at seat of government, 28.

salary of, 30.

SENATORS, STATE,

when elected and term of office, 10.

who eligible to office of, 10.

number of, 10.

to try all impeachments, 21.

pay of, 30.

to be divided by lot into two classes, 31.

one half, to be chosen biennially, 31.

two classes of, to be kept equal, 31.

SENATORS, UNITED STATES.

when and how elected, 11.

SHERIFFS.

election of to be provided for, 13.

SLAVERY.

forbidden, exception, 5, 8.

SPEECH.

liberty of, secured, 7.

STATE PRISON.

to be established, 26.

who to constitute Board of Commissioners of, 17.

SUFFRAGE.

right of, who entitled to, 8, 9.

persons convicted of certain crimes disqualified from, 9.

SUITS AGAINST STATE.

provisions to be made by law, for bringing, 12.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

liable to impeachment, 21.

election, term of office, and duties of, 23.

salary of, 30.

SUPREME COURT.

clerk of, to be elected, 13.

justices of, members of Board of Pardons, 16.

how composed and quorum in, 17.

election, term of office, and classification of justices of, 17.

when and where terms of, to be held, 17.

jurisdiction and powers of, 18.

justices of, not to receive fees, 20, 30.

justices of, ineligible to office during term, 20.

justices of, liable to impeachment, 21.

Chief Justice of, to preside over Senate on trial of impeachment of Governor or Lieutenant-Governor, 21.

decisions of, to be published, 27.

vacancies in office of justices of, how filled, 33.

TAXATION.

special legislation concerning, forbidden, 12.

to be equal and uniform, 23.

property liable to, 23.

property which may be exempted from, 23.

restriction on, 33.

CONSTITUTION OF THE STATE OF NEVADA.—CONTINUED.

TERRITORY OF NEVADA.

- judicial officers of, when superseded, 21.
- laws of, to remain in force, 29.
- finances accruing to, to inure to State, 29.
- recognizances and bonds of, to remain valid, 29.
- actions commenced in courts of, to continue, 29.
- property of, to vest in State, 29.
- indebtedness of, assumed by State, 30.
- certain officers of, to continue in office, 31, 32.

TREASURER OF STATE.

- how chosen, term and eligibility, 17.
- liable to impeachment, 21.
- to keep his office at seat of government, 28.
- salary of, 30.
- not to receive fees for his own use, 30.
- required to execute bonds, 33.

TREASURY.

- no money to be drawn from, but on appropriations, 12.
- statement of the receipts and expenditures of, to be published with the laws, 12.
- money when to be drawn from, 13.
- members of legislature to be paid out of, 13.

TRIAL:

- by jury, secured, 6.
- rights of accused on, 7.
- no person subject to, twice for same offence, 7.
- in criminal, no person compelled to be witness against himself, 7.

UNITED STATES GOVERNMENT.

- powers of, declared, 6.
- paramount allegiance due to, 6.

UNIVERSITY.

- to be established, 24.
- departments of learning in, 24.
- fund created for support of, 25.
- Board of Regents of, 25.
- sectarian instruction in, prohibited, 25.

VETO.

- of Governor, how exercised, 14.

VOTER.

- qualifications of, 8.
- who not entitled to be, 8.
- persons convicted of certain crimes, disqualified as, 8.
- residence of, what not to affect, 9.
- registration of, to be provided for, 9.
- poll-tax may be required of, 9.
- in military or naval service of United States, 9, 37.

WIFE.

- may hold certain property, as separate property, 13.
- laws to be passed defining property rights of, 13.
- law to be passed providing for registration of separate property of, 13.

YEAS AND NAYS.

- when to be entered on journal of legislature, 11.

CONTROLLER OF STATE, duties of, concerning Legislative Fund, 55.

- to draw warrant in favor of State Land Agent, 61.
- to draw warrant in favor of Britton & Gray, 62.
- to draw warrant in favor of A. C. Ellis, 65.
- duties of, concerning State School Fund, 66.
- duties of, in connection with State loans, 81-86.
- to draw warrant in favor of J. W. Averill, 108.
- to draw warrant in favor of Supreme Court Commissioners, for publishing Nevada Reports, 109.

- when to draw warrants in favor of State Agent for settlement of claims, 130.

CORPORATIONS, for introducing steam power on common roads, 62.

- for constructing wire suspension tramways, 133.

See RAILROAD COMPANIES, NARROW GAUGE RAILROADS, and UNION PACIFIC TUNNEL COMPANY.

COUNTY AUDITOR, to draw warrants for compensation of jurors, on clerk's certificate, 56.

duties of, in auditing claims against school moneys, 78, 79.
to issue licenses for peddlers and others, 148.

OF ELKO COUNTY.

to draw warrant in favor of J. N. Williams, 58.
appointed Funding Commissioner, 70.
duties of, under Funding Act, 72-74.
to draw warrants in favor of Lander County, 93.

OF HUMBOLDT COUNTY.

to draw warrant in favor of C. Lark, 54.
to draw warrants for certain expenses in criminal proceedings, 60.

OF LANDER COUNTY.

to draw warrants in favor of James Leffingwell, 57.

OF WHITE PINE COUNTY.

duties of, under Act to pay indebtedness of, 76, 77.

COUNTY COMMISSIONERS, Act amending Act to create Board of, and define powers and duties of, 47.

powers and duties of, 47, 48.

to have control of county property, 47, 48.

to examine and allow accounts, 47.

to control public roads, bridges and ferries, 47.

to provide for indigent sick, 48.

to divide county into townships, 48.

to establish election precincts and appoint officers of elections, 48.

to sell, lease or purchase property, 48.

to provide county buildings, 48.

to control prosecution of certain suits, 48.

to offer rewards in certain cases, 48.

to do and perform other duties, generally, 48.

to provide armories for militia companies, 108.

COUNTY TREASURER, duties of, in regard to payment of school moneys, 78, 79.
salary of, and how paid, 134.

OF CHURCHILL COUNTY.

to destroy certain returned warrants, 57.

to transfer moneys to General Fund, 79.

OF ELKO COUNTY.

to pay warrants in favor of J. N. Williams, 58.

appointed Funding Commissioner, 79.

duties of, under Funding Act, 71, 73.

OF HUMBOLDT COUNTY.

to return certain warrants of Churchill County to County Treasurer, 57.

OF LANDER COUNTY.

to pay warrants in favor of James Leffingwell, 57.

OF ORMSBY COUNTY.

duties of, under amendatory Act for consolidating and paying indebtedness, 51.

OF WHITE PINE COUNTY.

duties of, under Act to pay indebtedness, 75-77.

COUNTY SEAT, of Washoe County removed to Reno, 59.

Act to provide for removal of, of Lincoln County, 64.

temporary removal of, of Lincoln County, 75.

DEATH BY WRONGFUL ACTS, in case of, right of action given for damage, 90.

proceeds of judgment in case of, not liable for debts of deceased, 90.

proceeds of judgment in case of, how distributed, 90, 91.

in case of, action in whose name to be brought, 91.

in case of, jury may give exemplary damages, and may consider pecuniary injury resulting to kindred by such death, 91.

DEFICIENCIES, appropriation to pay, in the fifth and sixth fiscal years, 160-162.

DENNIS, JOHN H., granted leave of absence, 172.

DOCUMENTS, public, with books to be delivered to certain persons, 50.

to be filed by Foreign Insurance Companies, 155.

EASTERN NEVADA RAILROAD COMPANY, franchise granted to, 67.

bonds to be issued in aid of, 67.

amount of such bonds to be issued, 67, 68.

bonds in aid of, when to be issued, 68.

denominations of such bonds, 68.

bonds in aid of, how printed and signed, 69.

bonds in aid of, when to be delivered, 69.

EASTERN NEVADA RAILROAD COMPANY.—CONTINUED.

- Interest and Sinking Fund created, for payment of bonds, 69.
- surplus in said fund how applied, 69.
- proposals for surrender of bonds in aid of, 69.
- times within which road shall be located, graded and completed, 70.
- faith of State pledged not to impair securities issued in aid of, 70.
- ELECTORS**, Act amending Act to provide for registration of, 59, 132.
- duties of Registry Agents in registering, 59, 60.
- registry of what, to set forth, 59, 60.
- ELKO COUNTY**, certain action of the Board of County Commissioners, legalized, 58.
- Auditor of, to draw warrants in favor of J. N. Williams, 58.
- Treasurer of, to pay such warrants, 58.
- bonds of, to be issued in aid of the Eastern Nevada Railroad Company, 67, 68.
- duties of County Commissioners of, concerning issue of such bonds, 68.
- Act to consolidate and fund the indebtedness of, 70.
- Board of Funding Commissioners of, created, 70.
- duties of Funding Commissioners of, 70, 71.
- bonds of, for funding, how made and signed, 71.
- bonds how and when paid, 71.
- account of bonds issued, how kept, 71.
- what warrants and accounts may be funded, 71.
- certificates to be issued for fractional sums, 71.
- warrants to be drawn on such certificates, 72.
- disposition of redeemed bonds, 72.
- tax to be levied for payment of interest, 72.
- Treasurer to provide for payment of interest, 72.
- Sinking Fund created, 72.
- provisions for redemption of bonds, 72, 73.
- interest on bonds, when to cease, 73.
- bonds when paid *pro rata*, 73.
- what bonds to have preference, 73.
- Treasurer to keep account of Sinking Fund, 73.
- expenses for preparing bonds, provided for, 73.
- compensation of Funding Commissioners, 73.
- notice of funding, when and how given, 74.
- County Commissioners restricted in contracting debts, 74.
- penalty for disobeying provisions of Funding Act, 74.
- powers and duties of District Court in connection with funding, 74.
- finer to be paid into School Fund, 74.
- boundary lines of, defined, 92.
- records from Lander County to be transcribed and delivered to Recorder of, 92.
- County Commissioners of, to pay for records, 93.
- expenditures in certain criminal cases to be paid by, to Lander County, 93.
- ELLIS**, A. C., to be paid for legal services, 65.
- written agreement to be filed by, 65.
- warrant to be drawn in favor of, 65.
- appropriation to pay warrant of, 65.
- ESMERALDA COUNTY**, County Commissioners of, to provide for payment of "Court House Bonds," 132.
- FOURTH JUDICIAL DISTRICT**, terms of Court in, when to commence, 80.
- salary of the Judge of, 80.
- FISH**, act to prevent destruction of, 109.
- weirs and seines for destruction of, forbidden, 110.
- poisonous and explosive materials forbidden, 110.
- fish-ways and ladders to be constructed, 110.
- penalties for violating act concerning, 110.
- certain rivers excepted from operations of Act concerning, 110.
- GAMING**, amendatory act to restrict, 107.
- See **LICENSE**.
- GOLD HILL**, act to incorporate town of, 114.
- boundaries and wards of, defined, 114.
- corporate powers of, in whom vested, 114.
- Board of Trustees and Treasurer of, to be elected, 114.
- terms of officers of, and who eligible, 114.
- qualifications of voters of, 115.
- laws regulating elections of, 115.
- officers of, when to qualify, 116.
- organization of Board of Trustees of, 116.

GOLD HILL.—CONTINUED.

- vacancies in Board of Trustees of, how filled, 116.
- Board of Trustees of, may appoint certain officers, 116.
- meetings, quorum and rules of Board of Trustees of, 116.
- powers and duties of Board of Trustees of, 117, 118.
- redemption fund of, created, 118.
- contingent fund of, created, 119.
- money in redemption fund of, how paid out, 119.
- indebtedness of, how paid, 119.
- evidences of indebtedness of, how paid, 119.
- evidences of indebtedness of, how signed, 119.
- statement of finances of, to be made quarterly, 120.
- receiving and disbursing officers of, to give bonds, 120.
- assessment and collection of licenses and taxes of, 120.
- duties of treasurer of, 120.
- duties of clerk of, 121.
- licenses of, how kept and issued, 121.
- votes on passage of certain ordinances of, to be recorded, 121.
- style of ordinances of, 121.
- jurisdiction and powers of Justices' Courts of, 121.
- Justices of, to receive fees and make reports, 122.
- Attorney of, to receive fees, 122.
- vacancies in office of, how filled, 122.
- present officers of, to remain in office until election and qualification of successors, 122.
- certain debts of, legalized, 122.
- property of, in whom vested, 122.
- public streets and alleys of, to remain open, 122.
- former acts of incorporation of, repealed, 122.
- act of incorporation of, when to take effect, 123.

GOODFELLOW PETER, act for the relief of, 92.

- HAMILTON, act in relation to incorporation of, 95.**
- boundaries of, defined, 95.
- corporate powers of, how vested, 95.
- officers of, how elected and appointed, 95.
- elections of, when and how held, 95.
- qualifications of trustees of, 96.
- Board of Trustees of, how organized, 96.
- vacancies in Board of Trustees of, how filled, 96.
- meetings of Board of Trustees of, when held, 96.
- powers and duties of Board of Trustees of, 96-99.
- taxes, fines and scrip of, how payable, 99.
- Justices of the Peace, to be City Recorders of, 99.
- jurisdiction of City Recorders of, 99.
- duties of city officers of, 100-101.
- deputies of officers of, how appointed, 101.
- sale of property for taxes due to, how made, 101.
- ordinances of, for certain appropriations to be published, 101.
- vacancies in offices of, when occur, 101.
- compensation and fees of officers of, 102.
- former acts of Board of Trustees of, legalized, 102.
- former acts of incorporation of, repealed, 102.

HANCOCK, E. B., act for the relief of, 153.**HARMON, F. H., granted leave of absence, 172.****HENDERSON, WM. H., granted leave of absence, 167.**

- HUMBOLDT COUNTY, Auditor of, to draw warrants in favor of C. Lake, 54.**
- certain claims of, against Churchill County, discharged, 57.
- County Treasurer of, to return certain unpaid warrants of Churchill County, 57.
- Auditor of, to draw warrants for certain indebtedness in criminal cases, 60.
- said warrants of, when and how drawn, 60.
- limitation as to warrants to be drawn, 60.

INSANE, District Judge, to examine, on application, 112.

- when to be admitted to State Asylum and provided for at public expense, 112.

INDIGENT INSANE, Board of Commissioners for care of, constituted, 111.

- powers and duties of Board of Commissioners of, 111.
- provisions for the support of, 111.
- examinations of, how to be made, 112.
- appropriation for support of, 112.

INDIGENT INSANE.—CONTINUED.

Board of Commissioners of, to make report, 112.
when to be admitted to asylum, 112.

INSANE ASYLUM, gift concerts authorized for benefit of, 111.

building fund of, provided for, 111.

INSURANCE COMPANIES, FOREIGN, Act to tax and regulate foreign, 155.

authority of agents of, to be filed, 155.

bond of, to be filed with Controller, 155.

conditions of bond of, 156.

statements to be made by, 156.

who deemed agents of, 156.

what companies considered as, 156.

penalties for violating act concerning, 157.

copy of bond of, to be filed with County Treasurer, where principal office is located, 157.

separate bonds required of each, 157.

penalty for making false statements concerning, 157.

special deposit of bonds required of, 157.

power of attorney of, to agents to be deposited with Controller, 158.

special deposits, to remain as security for policy holders of, 158.

agents of, to procure certificates from Controller, of compliance with Act, 158.

license-tax required from agents of, 158.

proceeds of license-tax from, how disposed of, 158.

penalty for violating any of the provisions of Act taxing and regulating, 158.

JUDICIAL DISTRICT, terms of Court in the fourth, when to commence, 80.

salary of Judge of the fourth, 80.

JURORS, amendatory Act, concerning compensation of, 56.

mileage and *per diem* of, how paid, 56.

Clerk of Court to certify amounts due to, 56.

County Auditor to draw warrants in favor of, 56.

what deductions to be made from *per diem* of, 57.

conflicting Acts, concerning, repealed, 57.

JUSTICE'S COURTS, amendatory Act concerning summons and place of trial of actions in, 103, 104.

KANE, JOHN, granted leave of absence, 179.

LANDER COUNTY, Auditor of, to draw warrants in favor of James Leffingwell, 57.

Treasurer of, to pay such warrants, 58.

Recorder of, to transcribe certain records for use of Elko County, 93.

County Recorder of, to be paid for transcribing records, 93.

warrants of Elko County to be drawn in favor of, for expenses in certain criminal proceedings, 93.

certified bill of items of expenses to be presented to the County Auditor of Elko County, 93.

LAND, agents to be appointed to promote interests of State, in relation to, 61.

agent for, how compensated, 61.

selection and sale of, granted to State, 135.

State office for selection and sale of, created, 135.

duties of Register as to sale and selection of, 135, 137.

price of, per acre, 136.

price of, how increased or diminished, 136.

applications to purchase, how made, 136.

duties of Register and Treasurer, concerning applications to purchase, 137.

deposit of purchase money for, 137.

when purchase money for, refunded, 137.

agricultural and grazing, how paid for, 137.

revert to State in certain contingency, 137.

certificates of sale of, to be issued, 137.

patents for, when to issue, 138.

timbered, when to be paid for, 138.

certain warrants may be used in payment for, 138.

special fund for selecting, created, 138.

preferred right of occupant to purchase, 138.

conflicting applications to purchase, how tried and disposed of, 138.

limitations of purchases of, 138.

in certain cases, register may select, 138.

funds from sale of, how invested, 139.

title to, how conveyed, 139.

claims for services in relation to, 139.

LAND.—CONTINUED.

compensation to U. S. Receivers, for services in selection of, 139.
 appropriation to pay agent for promoting State's interest in, 152.
 amendatory Act for relief of the inhabitants of cities and towns on public lands, 163.

See REGISTER TIMBER LANDS and CITIES AND TOWNS.

LARK, C., Act for the relief of, 54.

LEFFINGWELL, JAMES, Act for the relief of, 57.

LEGISLATIVE FUND, Act creating, 55.

State Treasurer to set apart sum for, 55.

contingent fund to be set apart from, 55.

division of contingent fund, 55.

Legislature to have exclusive control of, 55.

warrants on, how drawn, 55.

warrants on, to draw interest, 55.

any balance in, how disposed of, 55.

duty of Treasurer in connection with, 55.

Act creating, not to affect salaries of Justices of Supreme Court, 55.

money transferred from, to the Senate contingent fund, 154.

money transferred from, to the Assembly contingent fund, 154.

LICENSE for gaming, how procured, 107.

of peddlers, hawkers and auctioneers, 147.

penalty for trading without, 148.

of attorneys and counselors at law, 149.

of insurance agents, 159.

LIEN, Act to secure, to mechanics and others, 123.

who entitled to, on building, 123.

party claiming to file and serve statement, 123.

of laborers and others, on railroads and other public works, 124.

of miners and laborers in mines, 124.

of laborers, on lots, for grading, 125.

certain lands to be subject to, 126.

priority and limitation of, 126.

provision for enforcement of, 126, 127.

apportionment of proceeds of property subject to, 127.

satisfaction of, when and how entered, 127.

forfeiture on failure to satisfy, 127.

of laborers, for cutting wood and timber, 127.

of foundrymen and boiler-makers, 128.

assignee of certain creditors may hold, 128.

LINCOLN COUNTY, Act to provide for removal of county seat of, 64.

election for removal of county seat of, when and how held, 64.

archives of, when to be removed, 64.

county seat of, to be removed temporarily to Pioche, 75.

County Commissioners of, to provide for removal of archives and to rent offices, 75.

County Commissioners of, to allow claim of Peter Goodfellow, 92.

representation of, in Legislature, increased, 131.

LYON COUNTY, amendatory Act, concerning finances of, 91.

proposals for surrender of claims against, how made and accepted, 91.

money remaining in redemption fund of, how disposed of, 91.

MANUSCRIPT LAWS, to be bound and preserved by the Secretary of State, 106.

MECHANICS, Act to secure liens to, 123.

See LIENS.

MILITIA, armories for companies of, to be provided by County Commissioners, 108.

expenses of armories for, how paid, 109.

receipts for expenses of, allowed as so much money by State Treasurer, 109.

companies, battalions or regiments of, may adopt uniform, 109.

MINES, assessment of ores, how made, 87.

deductions allowed from gross yield of, 87.

net proceeds of, defined, 87.

assessment rolls of proceeds of, when and how to be made, 87.

statement of proceeds of, to be made under oath, 88.

penalty for making false statements of proceeds of, 88.

books and records of, to be open to the inspection of Assessor, 88.

penalty for refusing inspection of books of, 88.

penalty for refusal to give statement of proceeds of, 88.

assessments of, how equalized, 89.

MINES.—CONTINUED.

- duty of County Commissioners in equalizing assessments of, 89.
- lien on, for taxes, when it attaches, 89.
- lien on, how satisfied or removed, 89.
- liability for unpaid taxes on, 89.
- compensation of Assessor for assessing, 89.
- compensation of Auditor for assessment rolls of, 90.
- apportionment of compensation for assessment of, 90.
- collection of taxes on, how enforced, 90.

NARROW GAUGE RAILROAD, Act granting right of way for, from Virginia to Reno, 78.

- survey, location and construction of, when to be made, 78.
- Chinese labor prohibited on, 78.
- right of way for, granted to A. L. Page and others, through the counties of Elko, Lander, Nye, White Pine and Lincoln, 152.
- termini and route of, 153.
- telegraph line may be constructed in connection with, 153.
- surveys and constructions of, when to be made, 153.
- rates of fare and freight on, 153.
- Chinese labor prohibited on, 153.

NEVADA BENEVOLENT ASSOCIATION, authorized to hold gift concerts, 110.

- required to execute and file bonds, 111.
- proceeds of concerts of, to constitute Insane Asylum building fund, 111.
- Act empowering, not to be construed as authorizing lotteries, 111.

NEVADA ORPHAN ASYLUM, appropriation for support of, 103.

- claims of, to be presented to the State Board of Examiners, 103.
- claims of, how audited and allowed, 103.

NEVADA REPORTS, appropriation for publishing sixth and seventh volumes of, 109.

- warrants for publishing, when and how drawn, 109.

ORPHAN'S HOME, appropriation for support of, and how expended, 151.**ORPHAN ASYLUM, appropriation for support of, 103.**

See NEVADA ORPHAN ASYLUM.

ORMSBY COUNTY, Act amending Act to consolidate and pay certain indebtedness of, 51.

- proposals for surrender of bonds of, how opened, 51.
- what proposals shall be accepted, 51.
- Treasurer to give notice of surplus money in the redemption fund of, 51.
- money to pay certain indebtedness of, to be reserved in redemption fund, 51.
- when surplus in redemption fund of, may be otherwise applied, 52.

PATTERSON, J. D., granted leave of absence, 185.**PEDDLERS, required to take out license, 147.**

- penalty against for trading without license, 148.
- licenses of, how made and issued, 148.
- of fruits and vegetables, exempt from license tax, 148.

RAILROAD, Act to encourage construction of, 67.

- right of way granted, from Elko to Hamilton, 67.
- bonds to be issued in aid of, by Elko and White Pine counties, 67.
- bonds in aid of, when and how issued, 67, 68.
- See EASTERN NEVADA RAILROAD COMPANY.

RAILROAD COMPANIES, Act amending Act for incorporation of, 52, 65.

- articles of association of, what to set forth, 52.
- articles of association of, how subscribed, 52.
- affidavit of directors of, required, 52.
- division of capital stock of, how made, 52, 53.
- certificate and affidavit of directors of, to be filed, 53.
- meeting of stockholders of, how called, 53.
- capital stock of, how increased or reduced, 53.
- rates of freight or fare on, may be changed by the Legislature, 53.
- rails to be used by, in building roads, 65.
- Acts in relation to, repealed, 65.

RECORDERS, empowered to take acknowledgments, 107.

- to file and record liens in certain cases, 123, 124.
- forbidden to record unstamped instruments, 131.

REGISTER, State Surveyor-General to be *ex-officio*, 135.

- required to give bonds, 135.
- to keep office at seat of government, 135.
- to procure maps of surveyed lands, 135.
- to furnish maps to county surveyors, 136.
- duties of, in selecting and selling lands, 136, 137.

REGISTER.—CONTINUED.

duties of, in case of conflicting applications, 138.
 salary of, 139.
 deputy allowed to, and salary of, 139.
 See LAND.

REGISTRATION, of electors, when and how made, 59, 60.
 section thirteen of Act in relation to, repealed, 132.

REGISTRY AGENTS, duties of, in registering electors, 59, 60.

RENO, to be county seat of Washoe County, 59.

county offices to be removed to, 59.

county archives and property to be removed to, 50.

REPORTS, of State officers to be made in duplicate, 61.

compensation for duplicate, 61.

See NEVADA. REPORTS.

REPRESENTATION, of Lincoln County in Legislature increased, 131.

RESOLUTIONS, ASSEMBLY, relative to Legislative property, 167.

granting leave of absence to William H. Henderson, 167.

relative to State's title to State Prison, 168.

relative to State's title to plaza, in Carson City, 168.

relative to printing Governor's inaugural address, 168.

relative to report of State Capitol Commissioners, 168.

relative to printing homographic charts, 169.

requiring Sergeant-at-Arms to give bonds, 169.

relative to mail from Wadsworth to Belmont, 169.

relative to mail from Winnemucca to Camp Winfield Scott, 170.

relative to land of Central Pacific Railroad Company, 170.

relative to mail from Pine Grove to Rockland, 171.

relative to mail from Wadsworth to Fort Independence, 171.

granting leave of absence to F. H. Harmon, 172.

granting leave of absence to John H. Dennis, 172.

relative to mail from Elko to Tuscorora, 172.

RESOLUTIONS, SENATE, relative to printing Governor's message, 174.

relative to printing report of State Mineralogist, 174.

relative to installation of State officers, elect, 174.

relative to defalcation of late State Treasurer, 175.

relative to distribution of printed bills, 175.

relative to distribution of State Mineralogist's Report, 176.

relative to printing report of the Superintendent of Public Instruction, 176.

relative to furniture for State Orphans' Home, 176.

relative to fuel for Senate and Assembly, 177.

relative to exemption of quicksilver from duties, 177.

relative to printing and distribution of reports of Treasurer and Controller, 178.

relative to printing rules of Senate and Assembly, 178.

relative to printing report of Surveyor-General, 178.

granting leave of absence to N. H. Westfall, 178.

granting leave of absence to John Kane, 179.

relative to printing reports of Committees, and of State Capitol Commissioners, 179.

instructing committee on treasury defalcation, 179.

relative to paintings for legislative halls, 180.

relative to employment of Chinese upon government work in this State, 180.

relative to swamp and overflowed lands, 180.

relative to swamp and overflowed lands, 181.

relative to election of Board of Regents, 181.

relative to re-apportionment of representation, 182.

relative to erection of reduction works, by the United States Government, 182, 183.

relative to transfer of money in State Treasury, 183.

asking extension of time to erect State College, 184.

relative to printing and distribution of the Act providing for taxation of proceeds of mines, 184.

relative to annexation of portion of Idaho, 185.

granting leave of absence to J. D. Patterson, 185.

relative to exchange of State stamps, 186.

granting leave of absence to Robert Stein, 186.

relative to printing report of Defalcation Committee, 186.

relative to furnishing books to ex-Governor Blasdel, 187.

relative to expenses of enrolling laws, 187.

RESOLUTIONS, SENATE.—CONTINUED.

relative to committee to wait upon Governor, 187.

relative to ceding of territory by the State of California to this State, 187.

relating to Hon. Lewis Doron, 188.

REVENUE, amendatory Acts to provide, for the support of State government, 93, 142, 147.

Acts to provide, repealed, 113.

See **INSURANCE COMPANIES, FOREIGN LICENSES, LAND, MINES, NEVADA BENEVOLENT ASSOCIATION, STAMPS, STATE LOAN.**

ROADS, for use of steam power on, 62.

corporations for construction of, how formed, 62.

location and construction of, 62, 63.

Chinese labor on, prohibited, 63.

SAN FRANCISCO LAW LIBRARY, librarian of, to receive books and documents, 50.**SCHOOL FUND, STATE, Treasurer to be custodian of securities of, 66.**

securities of, to be delivered to Treasurer, 66.

interest on securities of, how disposed of, 66.

duty of Treasurer and Controller concerning, 66.

duty of State Board of Education, concerning, 66.

SCHOOL MONEYS, claims upon, how certified and audited, 78.

warrants on, how drawn and paid, 78.

proof of claims on, may be required, 79.

claims on, may be sued for, if rejected, 79.

suits for claims on, how tried, 79.

SECRETARY OF STATE, directed to deliver certain books and documents to U. S. judges and librarian of San Francisco Law Library, 50.

duties of, concerning manuscript laws, 106.

expenses incurred by, in preservation of manuscript laws, how paid, 106.

bond of Nevada Benevolent Association to be filed in the office of, 111.

to furnish evidence to Claim Commissioner, 130.

duties of, concerning State printing, 151.

appropriation for payment of debts contracted by, in fitting up legislative halls, 152.

appropriation for furnishing State Capitol, to be expended under the direction of, 152.

required to make report of expenditures, 152.

to furnish fuel for Legislature, 177.

warrants to be drawn in favor of, for expenses of enrolling laws, 187.

STAMPS, instruments without, not to be recorded, 131.

schedule of, required on various instruments, 142.

on agreements or appraisements, 142.

on bills of exchange, inland and foreign, 142.

on bonds, 143.

on certificates, 143.

on contracts, 143.

on conveyances of real estate, 143.

on insurance policies, 143.

on leases of lands or tenements, 144.

on letters of administration, 144.

on mortgage, 144.

on notes, promissory, 144.

on powers of attorney, 144.

on probate of wills, 144.

penalty for making, accepting, or paying instrument, without using, 144.

title to real property not to be affected by failure to use, 145.

failure to use, how remedied, 145.

penalty for failure to use, when and how remitted, 145.

instruments stamped after execution may be recorded in certain cases, 145.

rights acquired from failure to use, not affected by subsequent stamping, 145.

STATE CAPITOL, fund created for payment of certain claims against, 154.

unsatisfied claims against, to be presented to State Board of Examiners, 154.

provision for relief of builder of, in certain contingency, 154.

allowance on fund of, how made, 155.

limitation, as to allowance of claims on fund of, 155.

STATE LANDS, agent to promote interest of State concerning, to be appointed at Washington, 61.

Act for selection and sale of, 135.

See **LAND.**

- STATE LOAN, authorized to be negotiated for payment of *Territorial* proportion of State loan of 6th February, 1867, 81.
 bonds issued for payment of, how made and signed, 81.
 bonds of, how sold, 81.
 bonds of, when issued or negotiated, 81.
 account of bonds of, by whom kept, 81.
 bonds of payable in, and to be sold for, coin, 81.
 faith and credit of State pledged for payment of, 81.
 Territorial interest and sinking fund created, 81.
 certain revenue pledged for payment of, 82.
 revenue from mines, not pledged for payment of, 82.
 provision for payment of interest on, 82.
 surplus remaining after paying interest on, how disposed of, 82.
 reports concerning, to be made by Treasurer and Controller of State, 83.
 bonds of, may be exchanged by Treasurer, 83.
 Treasurer to advertise readiness to pay bonds of, 83.
 interest on bonds of, when to cease, 83.
 appropriation for preparation and sale of bonds of, 83.
- STATE LOAN, authorized to be negotiated for payment of *State* proportion of bonds of 6th February, 1867, and to fund the floating debt, 84.
 bonds issued for payment of, how made and signed, 84.
 bonds of, payable in, and to be sold for, coin, 84.
 faith and credit of State pledged for payment of, 84.
 sale of bonds of, when and how to be made, 84.
 duty of Treasurer and Controller as to sale of bonds of, 85.
 State interest and sinking fund created, 85.
 certain revenue pledged for payment of, 85.
 revenue from mines, not pledged for payment of, 85.
 provision for payment of interest on, 85.
 after paying interest, surplus how disposed of, 85.
 reports concerning, to be made by Treasurer and Controller, 86.
 Treasurer to advertise readiness to pay bonds of, 86.
 appropriation for preparation and sale of bonds of, 86.
 records concerning, to be kept by Treasurer and Controller, 86.
- STATE OFFICERS, to prepare duplicate reports, 61.
 compensation allowed to, for duplicate reports, 61.
 to make sworn statements, as to expenditures of appropriations in their departments, 152.
- STATE PRINTER, accounts of, against the State, to be made and filed in duplicate, 70.
- STEAM POWER ON COMMON ROADS, Act to promote the use of, 62.
 corporations introducing, how formed, 62.
 roads for use of, how constructed, 62.
 rights of corporations constructing and using, 63.
 Chinese labor on such roads, prohibited, 63.
 See ROADS.
- STEIN, ROBERT, granted leave of absence, 186.
- STICKNOTH, HENRY, paper purporting to be will of, admitted to probate, 129.
 issue of fact as to will of, how tried, 129.
 heirs of, not prohibited from contesting will, 129.
 claims against estate of, not barred, 129.
 Acts in conflict, repealed, 129.
- STOREY COUNTY, certain claims against, for publishing tax lists, to be allowed, 129.
 See VIRGINIA CITY.
- SUMMONS, Act in relation to, in Justice's Court, 103, 104.
- SUPREME COURT, reports of decisions of, to be delivered to certain U. S. Judges, and to S. F. Law Library, 50.
 salaries of Judges of, not to be affected by Act creating legislative fund, 56.
 appropriation for publishing sixth and seventh volumes of decisions of, 109.
 Judges of, to examine and approve volumes of reports, before warrant is drawn in favor of Commissioner, 109.
- TAXES, delinquent, how collected, 93.
 duty of District Attorney in collection of, 94.
 Board of County Commissioners shall direct commencement of suits for, 94.
 fees and costs for collection of delinquent, how taxed and paid, 94.
- TIMBER LANDS, Act to provide for protection of, 113.
 cutting of timber on certain, forbidden, 113.
 title to, how tried, 113.
 actual settlers allowed to cut timber on, for certain purposes, 114.

- TRAMWAY COMPANIES**, Act for incorporation of wire suspension, 133.
 how formed, 133.
 articles of association of, to be filed, 133.
 map of surveys of line, to be filed, 133.
 right of way granted to, 134.
 exclusive rights of, 134.
 to finish lines in certain times, 134.
 mining companies excepted from operation of Act concerning, 134.
- TREASURE CITY**, Act to provide for paying indebtedness of, 49.
 warrants on Treasury of, how to be drawn, 49.
 redemption fund of, how created, 49.
 duties of Board of Trustees of, 49, 50.
 moneys, how drawn from Treasury of, 49.
 proposals for surrender of warrants of, 49.
 duties of Treasurer of, 49, 50.
 conflicting Acts concerning, repealed, 50.
- TREASURER OF STATE**, duties of, concerning legislative fund, 56, 154.
 to pay warrant in favor of A. C. Ellis, 66.
 duties of, concerning State school fund, 66.
 duties of, concerning State loans, 81, 82, 83, 84, 85, 86.
 duties of, concerning "Insane Asylum Building Fund," 111.
 to be member of Board of Commissioners for care of indigent insane, 111.
 to pay warrants drawn for support of indigent insane, 112.
 duties of, concerning sale of State lands, 137.
 responsible on his bond for special deposits for the purchase of State lands, 137.
- TUNNEL COMPANY**, right of way and privileges granted to Union Pacific Tunnel Company, 146.
 route and dimensions of tunnel of, 146.
 certain mineral claims granted to, 146.
 allowed compensation for drainage of mines, 147.
 water rights granted to, 147.
 to complete work in certain time, 147.
- UNITED STATES**, claims of State against to be prosecuted to final settlement, 130.
 See CLAIMS.
- UNION PACIFIC TUNNEL COMPANY**, Act granting the right of way and privileges to, 142.
 mineral claims and water rights, granted to, 146.
 allowed compensation for drainage, 147.
 to complete work in certain time, 147.
- VIRGINIA CITY**, amendatory Act in relation to the payment of indebtedness of, 104.
 bonds to be prepared for funding indebtedness of, 104.
 bonds of, to whom issued, 105.
 Treasurer of, to cancel redeemed warrants, 105.
 notice of funding indebtedness of, to be published, 106.
 bonds of, how purchaseable, 105.
 redemption fund of, how disposed of, 105.
 current expenses of, how paid, 106.
 certain Acts concerning, repealed, 106.
- WASHOE COUNTY**, location of county seat of, at Reno, 59.
 certain officers of, to remove offices to Reno, 59.
 archives and movable property of, to be removed to Reno, 59.
 County Commissioners of, to provide for removal of property, 59.
 County Commissioners of, authorized to sell immovable county property in Washoe City, 59.
- WESTFALL**, N. H., granted leave of absence, 178.
- WHITE PINE COUNTY**, bonds of, to be issued in aid of the Eastern Nevada Railroad Company, 67.
 conditions as to issuance of bonds of, 67.
 duties of County Commissioners of, concerning issue of said bonds, 68.
 Act to provide for payment of the indebtedness of, 75.
 Treasurer of, prohibited from paying warrants except as provided, 75.
 redemption fund of, created, 76.
 proposals for surrender of warrants of, how made and acted on, 76.
 accounts of accepted bids, by whom kept, 76.
 redeemed warrants to be canceled, 76.
 unaccepted bids and warrants to be returned, 76.
 separate account of redemption fund of, to be kept by county treasurer, 76.
 what warrants to be paid out of redemption fund of, 77.

WHITE PINE COUNTY.—CONTINUED.

certain warrants of, to draw interest, 77.

Act in relation to redemption fund, not to interfere with bonds of, issued for building purposes, 77.

certain indexes of, to be transcribed, 133.

examination of, and compensation for indexes of, 133.

WILL, certain paper purporting to be, admitted to probate, 129.

See **HENRY STICKNOTH.**

WILLIAMS, J. N., warrants of Elko County to be drawn in favor of and paid, 58.

WIRE SUSPENSION TRAMWAY COMPANIES, Act providing for the incorporation of, 133.

articles of association of, to be filed, 133.

surveys of lines of, to be filed, 133.

rights and privileges granted to, 134.

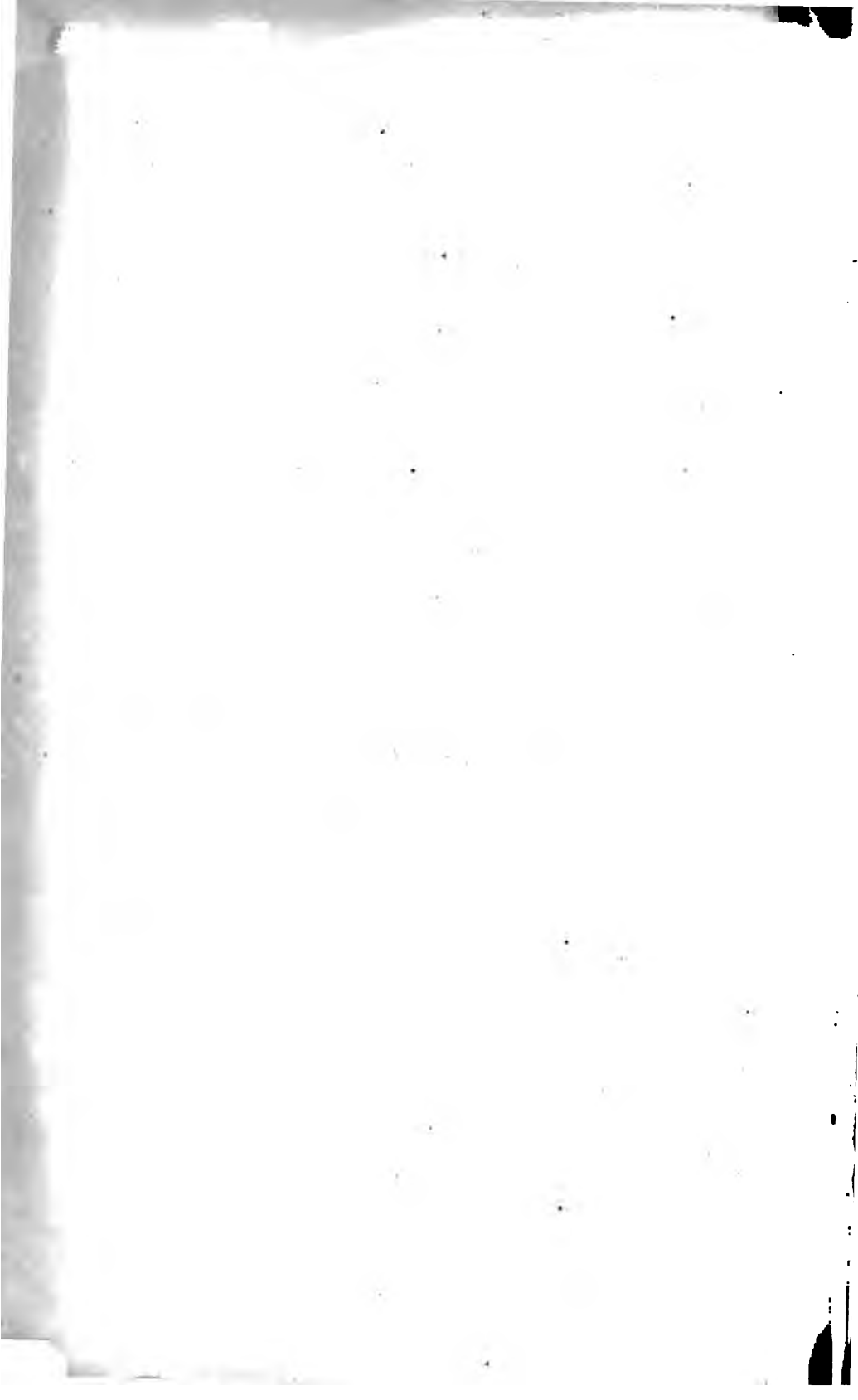
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